PRESERVED

Serial No. 58-42-2

1942
Legn

Previous references.

Later references.

106

Office of the Secretary to the Representative Assembly and Legislative Council

Part B for December 1942

SUBJECT.

Printing of the Mysore Railway Act as revised.

WD 04023—GPB—1,000- 12-9-41

W. 11/42 9a.

(1)

Printing of the Mysore Railways Act as revised.

G. R. S. III—3]
R. A. & L. C.

Routine Notes. — 171/42

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The Law Secretary wants the Railways Act to be brought up to date and Copies printed immediately.

Please take urgent action in the matter

BVN
25.9.42

A copy of the Act as amended up-to-date is put up for approval

Reg.
26.9.42

The Act is revised up to date. It can be sent to Press and Proofs called for immediately.

BVN
26.9.42

Secy
RA Sec

BVR
26.9.42

Draft

BVN
26.9.42

A draft letter to the Superintendent, Government Printing, Bangalore, is put up for approval.

Reg
26/9/42

BVN

ISBrao
BVN
26.9.42

Issued No. R&L 348 dated 27 1942.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Printing of the Mysore Railway Act

G. R. S. III—3]
R. A. & L. C.

171/R.L.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Two Proofs with the original were received on 3.10.42 at 5.30 p.m

Seng.
3/10/42

The proof marked (A) had been corrected after verification with the original and is put up for orders.

Seng.
5/10/42

BVM
5/10

For orders as to how many Copies may be got printed. (If appd. an enquiry will be made as to no. of copies available of the older edition in the Records & the Booksellers)

Secy
5.10.42

Secy
Law

I think 500 Copies may be got printed

BKR
5.10.42

Law Secy)

250 copies may be printed

CWS
5.10.42

BKR
5.10.42

Secy
6.10.42

The K.N.G.

SECT. & DEPT. 3A 20 2 RE

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Regarding the printing of the Railway Act after revising and thus bringing it up-to-date.

General and Revenue Secretariat R. A. & L. C. | File No. 101 | 171/42 of 194 | [App. F. III–2

Serial No. 11

(contd)

~~Accordingly~~ A draft letter addressed to the Superintendent, Government Printing, Bangalore, to print and supply 250 copies of the Act is put up for kind approval.

Kng 6/10/42

BVN 6/10

Secy (RS-RC)

6.10.42

DSRao BVR 6-10-42

Issued No. R.L. 449 dated 6-10-42

Received Invoice No. 1635 from the Supdt. Govt. Printing, Bangalore sending copies of Railway Act

Kng 28/10/

File transferred to Mr. T.V. for recovering after the sending the copies to be received.

Kng 13/11/42

120 copies of the Mysore Railways Act which were received from the press have been sent to the General Records.

Mr. G.R. Section to kindly acknowledge the receipt of the same

1/12/42

(for G.M.A.V. Supdt. G.I. Records)

NOTE—Contn. Sheet

Received 120 Copies of the Mysore Railways Act from the file quoted on 9.12.42

Mr. T. V.

Reprinting of the Mysore Railways Act

File No. 171/M of 194 .

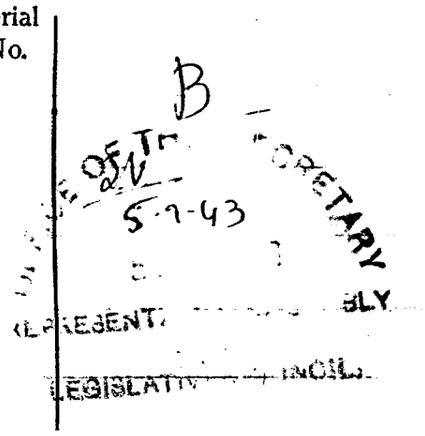
General and Revenue Secretariat
R. A. & L. C.

Serial No.

Submitted for orders to close the file

20.
5-7-43

B



Appendix F G—1]
R. A. & L. C.

SUBJECT.....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat
R. A. & L. C.
( )

Date of issue 26.9.42

Signed by Mr. B. K. Rao and M. G. S. V.

List of enclosures .....

Copied by .....

Examined by .....

Section

File No.

Serial No.

No. R.L. 348.

To

The Superintendent
Government Printing
Bangalore

Sir,

I am directed ~~have the honour~~ to request you kindly to ~~print~~ set in type and ~~supply copies~~ send three clear proofs of the enclosed Mysore Railway Act incorporating all the corrections made therein immediately

I have etc.

for Secretary to Govt
Law Dept

Rng
26/9/42

BVN
26/9

September 26th 1942.

No. R. L. 348

Encl. one.

The Superintendent,
Government Printing, BANGALORE.

Sir,

I am directed to request you to kindly set in type and send three clear proofs of the enclosed Mysore Railway Act, incorporating all the corrections made therein, immediately.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY to GOVERNMENT,
Law Department.

PR.

JD) 29/9

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue.....6.10.42.....

Signed by.....M.B.K.R & Secy.....

List of enclosures.....

Copied by.....

Examined by.....

Section

File No.

Serial No.

No. A.L. 449

To

The Superintendent,
Government Printing,
Bangalore

Sir,

I am directed to return herewith the proofs ~~along with the original of~~ the Mysore Railways Act, duly corrected ~~after verification with the original~~ and to request you kindly to make arrangements to print and supply immediately 250 copies of the Act, after incorporating all the corrections made in the proofs. ~~marked (A)~~ Corrected

I have etc.

BKR

for

For Secy. to Govt
Land Department

for
6/10/42
BKR 6/10

6th October 1942.

No. R.L.449.

Encl. one corrected Proof.

The Superintendent,
Government Printing, Bangalore.

Sir,

I am directed to return herewith the proof of the Mysore Railways Act, duly corrected and to request you kindly to make arrangements to print and supply immediately 250 copies of the Act, after incorporating all the corrections made in the corrected proof.

I have etc.

For Secretary to Government
Law Department.

Cp

7.A) Kng 6/10/42

Part VI
are Note
wherever it occurs,
the word "Regulation"
should be replaced
throughout
by "Act"

5030
28.9.42

REGULATION No. IV OF 1894.

(PASSED ON THE 13TH DAY OF APRIL 1894.)

A Regulation to consolidate, amend and add to the law relating to Railways in the Territories of Mysore.

Price 0-8-0

REGULATION No. IV OF 1894.

The Mysore Railways Regulation.

(Amended by Act X of 1919 and Act XIV of 1942)

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Act

REGULATION No. IV OF 1894.

(PASSED ON THE 13TH DAY OF APRIL 1894.)

A Regulation to consolidate, amend and add to the law relating to Railways in the territories of Mysore.

(Amended by Act X of 1919 and Act XIV of 1942)

WHEREAS it is expedient to consolidate, amend and add to the law relating to Railways in the territories of Mysore; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

Title, extent and commencement.

1. (1) This Regulation may be called "The Mysore Railways Regulation, 1894."

(2) It extends to the whole of the territories of Mysore; and

(3) It shall come into force on the first day of May 1894.

Repeal.

2. (1) On and from that day, Act IV of 1879 (The Indian Railways Act, 1879) is repealed.

(2) But all rules, declarations and appointments made, sanctions and directions given, forms approved, powers conferred, and notifications published under the said Act IV of 1879 shall, so far as they are consistent with this Regulation, be deemed to have been respectively made, given, approved, conferred and published under this Regulation.

(3) Any enactment or document referring to the said Act IV of 1879 shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Definitions.

3. In this Regulation, unless there is something repugnant in the subject or context,—

(1) "tramway" means a tramway constructed under the Mysore Tramways Regulation, 1906, or any special law relating to tramways:

(2) "ferry" includes a bridge of boats, pontoons or rafts, a swing-bridge, a flying bridge and a temporary bridge, and the approaches to, and landing places of, a ferry:

Section 3.

(3) "inland" means any canal, river, lake or navigable water in the territories of Mysore :

(4) "railway" means a railway, or any portion of a railway, for the public carriage of passengers, animals or goods, and includes—

(*a*) all land within the fences or other boundary-marks indicating the limits of the land appurtenant to a railway ;

(*b*) all lines of rails, sidings or branches worked over for the purposes of, or in connection with, a railway ;

(*c*) all stations, offices, warehouses, workshops, manufactories, fixed plant and machinery and other works constructed for the purposes of, or in connection with, a railway ; and

(*d*) all ferries, boats and rafts which are used on inland waters for the purposes of the traffic of a railway and belong to or are hired or worked by the authority administering the railway :

(5) "railway company" includes any persons, whether incorporated or not, who are owners or lessees of a railway or parties to an agreement for working a railway :

(6) "railway administration" or administration," in the case of a railway administered by the Government of His Highness the Maharaja, means the Manager of the railway and includes the Government of His Highness the Maharaja, and, in the case of a railway administered by a railway company, means the railway company :

(7) "railway servant" means any person employed by a railway adminstration in connection with the service of a railway :

(8) "Inspector" means an Inspector of Railways appointed under this Regulation :

(9) "goods" includes inanimate things of every kind :

(10) "rolling stock" includes locomotive engines tenders, carriages, waggons, trucks and trollies of all kinds :

(11) "traffic" includes rolling-stock of every description as well as passengers, animals and goods ;

(12) "through traffic" means traffic which is carried over the railways of two or more railway adminstrations :

Sections 3-4.

(13) "rate" includes any fare, charge or other payment for the carriage of any passenger, animal or goods:

(14) "terminals" includes charges in respect of stations, sidings, depots, warehouses, cranes and other similar matters and of any services rendered thereat:

(15) "pass" means an authority given by a railway administration, or by an officer appointed by a railway administration in this behalf, and authorising the person to whom it is given to travel as a passenger on a railway gratuitously:

(16) "ticket" includes a single ticket, a return ticket and a season ticket;

(17) "maund" means a weight of three thousand two hundred tolas, each tola being a weight of one hundred and eighty grains Troy: and

(18) "Deputy Commissioner" means the chief officer in charge of the land revenue administration of a district, and includes any officer specially appointed by the Government of His Highness the Maharaja to discharge the functions of a Deputy Commissioner under this Regulation.

CHAPTER II.

INSPECTION OF RAILWAYS.

Appointment and duties of Inspectors.

4. (1) The Government of His Highness the Maharaja may appoint persons, by name or by virtue of their office, to be Inspectors of Railways.

(2) The duties of an Inspector of Railways shall be—

(*a*) to inspect railways with a view to determine whether they are fit to be opened for the public carriage of passengers, and to report thereon to the Government of His Highness the Maharaja as required by this Regulation;

(*b*) to make such periodical or other inspections of any railway or of any rolling-stock used thereon as the Government of His Highness the Maharaja may direct;

(*c*) to make inquiry under this Regulation into the cause of any accident on a railway;

(*d*) to perform such other duties as are imposed on him by this Regulation or any other enactment for the time being in force relating to railways.

Sections 5-7.

Powers of Inspectors.

5. An Inspector shall, for the purpose of any of the duties which he is required or authorised to perform under this Regulation, be deemed to be a public servant within the meaning of the Indian Penal Code, and, subject to the control of the Government of His Highness the Maharaja, shall for that purpose have the following powers, namely:—

(*a*) to enter upon and inspect any railway or any rolling-stock used thereon:

(*b*) by an order in writing under his hand addressed to the railway administration, to require the attendance before him of any railway servant, and to require answers or returns to such inquiries as he thinks fit to make from such railway servant or from the railway administration;

(*c*) to require the production of any book or document belonging to or in the possession or control of any railway administration (except a communication between a railway company and its legal advisers) which it appears to him to be necessary to inspect.

Facilities to be afforded to Inspectors.

6. A railway administration shall afford to the Inspector all reasonable facilities for performing the duties and exercising the powers imposed and conferred upon him by this Regulation.

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WORKS.

Authority of railway administration to execute all necessary works.

7. (1) Subject to the provisions of this Regulation and, in the case of immoveable property not belonging to the railway adminstration, to the provisions of any enactment for the time being in force for the acquisition of land for public purposes and for companies, and, subject also, in the case of a railway company, to the provisions of any contract between the company and the Government of His Highness the Maharaja, a railway administration may, for the purpose of constructing a railway or the accommodation or other works connected therewith, and not withstanding anything in any other enactment for the time being in force,—

(*a*) make or construct in, upon, across, under or over any lands, or any streets, hills, valleys, roads, railways

or tramways, or any rivers, canals, brooks, streams or other waters, or any drains, water pipes, gas-pipes or telegraph lines, such temporary or permanent inclined planes, arches, tunnels, culverts, embankments, aqueducts, bridges, roads, *lines of railways, *ways, passages, conduits, drains, cuttings and fences as the railway administration thinks proper;

(*b*) alter the course of any rivers, brooks, streams or water-courses, for the purpose of constructing and maintaining tunnels, bridges, passages or other works over or under them, and divert or alter, as well temporarily as permanently, the course of any rivers, brooks, streams or water-courses or any roads, streets or ways, or raise or sink the level thereof, in order the more conveniently to carry them over or under or by the side of the railway, as the railway administration thinks proper;

(*c*) make drains or conduits into, through, or under any lands adjoining the railway for the purpose of conveying water from or to the railway;

(*d*) erect and contstruct such houses, warehouses, offices and other buildings and such yards, stations, engines, machinery, apparatus and other works and conveniences as the railway administration thinks proper;

(*e*) alter, repair or discontinue such buildings, works and conveniences as aforesaid or any of them, and substitute others in their stead; and

(*f*) do all other acts necessary for making, maintaining, altering or repairing and using the railway.

(2) The exercise of the powers conferred on a railway administration by sub-section (1) shall be subject to the control of the Government of His Highness the Maharaja.

Alteration of pipes, wires and drains.

8. A railway administration may, for the purpose of exercising the powers conferred upon it by this Regulation, alter the position of any pipe for the supply of gas, water or compressed air or the position of any electric wire or any drain not being a main drain;

Provided that—

(*a*) when the railway administration desires to alter the position of any such pipe, wire or drain, it shall give reasonable notice of its intention to do so, and of the time

- Inserted by Section 2 of Regulation X of 1919.

at which it will begin to do so, to the local authority or company having control over the pipe, wire or drain, or, when the pipe, wire or drain is not under the control of a local authority or company, to the person under whose control the pipe, wire or drain is;

(*b*) a local authority, company or person receiving notice under proviso (*a*) may send a person to superintend the work, and the railway administration shall execute the work to the reasonable satisfaction of the person so sent and shall make arrangements for continuing during the execution of the work the supply of gas, water, compressed air or electricity or the maintenance of the drainage, as the case may be.

Temporary entry upon land for repairing or preventing accident.

9. (1) The Government of His Highness the Maharaja may authorise any railway administration, in case of any slip or other accident happening or being apprehended to any cutting, embankment or other work under the control of the railway administration, to enter upon any lands adjoining its railway for the purpose of repairing or preventing the accident, and to do all such works as may be necessary for the purpose.

(2) In case of necessity the railway administration may enter upon the lands and do the works aforesaid without having obtained the previous sanction of the Government His Highness the Maharaja, but in such a case shall, within seventy-two hours after such entry, make a report to that Government, specifying the nature of the accident, or apprehended accident and of the works necessary to be done, and the power conferred on the railway administration by this sub-section shall cease and determine if the Government of His Highness the Maharaja, after considering the report, consider that the exercise of of the power is not necessary for the public safety.

Payment of compensation for damage caused by lawful exercise of powers under section 7, 8 or 9.

10. (1) A railway administration shall do as little damage as possible in the exercise of the powers conferred by any of the three last foregoing sections, and compensation shall be paid for any damage caused by the exercise thereof.

*(2) A suit shall not lie to recover such compensation, but in case of dispute the amount thereof, shall, on application to the Deputy Commissioner, be determined

*Substituted for the Original by Section 3 of Regulation X of 1919.

and paid in accordance, so far as may be, with the provisions of sections 11 to 15, both inclusive, sections 18 to 34, both inclusive, and sections 53 and 54 of the Mysore Land Acquisition Regulation 1894, and the provisions of sections 51 and 52 of that regulation shall apply to the award of compensation.

Accommodation works.

11. (1) A railway administration shall make and maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway, namely:—

(*a*) such and so many convenient crossings, bridges, arches, culverts and passages over, under or by the sides of, or leading to or from the railway as may, in the opinion of the Government of His Highness the Maharaja, be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the Railway is made; and

(*b*) all necessary arches, tunnels, culverts, drains, water-courses or other passages over or under or by the sides of the railway, of such dimensions as will, in the opinion of the Government of His Highness the Maharaja, be sufficient at all times to convey water as freely from or to the lands lying near or affected by the railway as before the making of the railway, or as nearly so as may be.

(2) Subject to the other provisions of this Regulation, the works specified in clauses (*a*) and (*b*) of sub-section (1) shall be made during or immediately after the laying out or formation of the railway over the lands traversed thereby and in such manner as to cause as little damage or inconvenience as possible to persons interested in the lands or affected by the works.

(3) The foregoing provisions of this section are subject to the following provisos, namely:—

(*a*) a railway administration shall not be required to make any accommodation works in such a manner as would prevent or obstruct the working or using of the railway, or to make any accommodation works with respect to which the owners and occupiers of the lands have agreed to receive and have been paid compensation in consideration of their not requiring the works to be made;

(*b*) save as hereinafter in this chapter provided, a railway administration shall not, except on the requisition

of the Government of His Highness the Maharaja, be compelled to defray the cost of executing any further or additional accommodation works for the use of the owners or occupiers of the lands after the expiration of ten years from the date on which the railway passing through the lands was first opened for public traffic;

(*c*) where a railway administration has provided suitable accommodation for the crossing of a road or stream, and the road or stream is afterwards diverted by the act or neglect of the person having the control thereof, the administration shall not be compelled to provide other accommodation for the crossing of the road or stream.

(4) The Government of His Highness the Maharaja may appoint a time for the commencement of any work to be executed under sub-section (1), and if for fourteen days next after that time the railway administration fails to commence the work or, having commenced it, fails to proceed diligently to execute it in a sufficient manner, the Government of His Highness the Maharaja may execute it and recover from the railway administration the cost incurred by it in the execution thereof.

Power for owner, occupier or local authority to cause additional accommodation works to be made.

12. If an owner or occupier of any land affected by a railway considers the works made under the last foregoing section to be insufficient for the commodious use of the land, or if the Government of His Highness the Maharaja or local authority desires to construct a public road or other work across, under or over a railway, he or it, as the case may be, may at any time require the railway administration to make at his or its expense such further accommodation works as he or it thinks necessary and are agreed to by the railway administration or as, in case of difference of opinion, may be authorised by the Government of His Highness the Maharaja.

Fences, screens, gates and bars.

13. The Government of His Highness the Maharaja may require that, within a time to be specified in the requisition or within such further time as it may appoint in this behalf,—

(*a*) boundary-marks or fences be provided or renewed by a railway administration for a railway or any part thereof and for roads constructed in connection therewith;

(*b*) any works in the nature of a screen near to or adjoining the side of any public road constructed before

the making of a railway be provided or renewed by a railway administration for the purpose of preventing danger to passengers on the road by reason of horses or other animals being frightened by the sight or noise of the rolling-stock moving on the railway ;

(*c*) suitable gates, chains, bars, stiles or hand-rails be erected or renewed by a railway administration at places where a railway crosses a public road on the level ;

(*d*) persons be employed by a railway administration to open and shut such gates, chains or bars.

Over and under bridges.

14. (1) Where a railway administration has constructed a railway across a public road on the level, the Government of His Highness the Maharaja may at any time, if it appears to it necessary for the public safety, require the railway administration, within such time as it thinks fit, to carry the road either under or over the railway by means of a bridge or arch, with convenient ascents and descents and other convenient approaches, instead of crossing the road on the level, or to execute such other works as, in the circumstances of the case, may appear to the Government of His Highness the Maharaja to be best adapted for removing or diminishing the danger arising from the level-crossing.

(2) The Government of His Highness the Maharaja may require, as a condition of making a requisition under sub-section (1), that the local authority, if any, which maintains the road shall undertake to pay the whole of the cost to the railway administration of complying with the requisition or such portion of the cost as that Government thinks just.

Removal of trees dangerous to or obstructing the working of a railway.

15. (1) In either of the following cases, namely :—

(*a*) where there is danger that a tree standing near a railway may fall on the railway so as to obstruct traffic,

(*b*) when a tree obstructs the view of any fixed signal,

the railway administration may, with the permission of any Magistrate, fell the tree or deal with it in such other manner as will in the opinion of the railway administration avert the danger or remove the obstruction, as the case may be.

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(2) In case of emergency the power mentioned in sub-section (1) may be exercised by a railway administration without the permission of a Magistrate.

(3) Where a tree felled or otherwise dealt with under sub-section (1) or sub-section (2) was in existence before the railway was constructed or the signal was fixed, any Magistrate may, upon the application of the persons interested in the tree, award to those persons such compensation as he thinks reasonable.

(4) Such an award, subject, where made by any Magistrate other than the District Magistrate, to revision by the District Magistrate, shall be final.

(5) A Civil Court shall not entertain a suit to recover compensation for any tree felled or otherwise dealt with under this section.

CHAPTER IV.

OPENING OF RAILWAYS.

Right to use locomotives.

16. (1) A railway administration may, with the previous sanction of the Government of His Highness the Maharaja, use upon a railway locomotive engines or other motive power, and rolling-stock to be drawn or propelled thereby.

(2) But rolling-stock shall not be moved upon a railway by steam or other motive power until such general rules for the railway as may be deemed to be necessary have been made, sanctioned and published under this Regulation.

Notice of intended opening of a railway.

17. (1) Subject to the provisions of sub-section (2), a railway administration shall, one month at least before it intends to open any railway for the public carriage of passengers, give to the Government of His Highness the Maharaja notice in writing of its intention.

(2) The Government of His Highness the Maharaja may in any case, if it thinks fit, reduce the period of, or dispense with, the notice mentioned in sub-section (1).

Sanction of the Government a condition precedent to the opening of a railway.

18. A railway shall not be opened for the public carriage of passengers until the Government of His Highness the Maharaja or an Inspector empowered by the Government in Council in this behalf, has by order sanctioned the opening thereof for that purpose,

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Precedure in sanctioning the opening of a railway.

19. (1) The sanction of the Government of His Highness the Maharaja under the last foregoing section shall not be given until an Inspector has, after inspection of the railway, reported in writing to that Government—

(*a*) that he has made a careful inspection of the railway and rolling-stock;

(*b*) that the moving and fixed dimensions prescribed by the Government of His Highness the Maharaja have not been infringed;

(*c*) that the weight of rails, strength of bridges, general structural character of the works, and the size of and maximum gross load upon the axles of any rolling stock are such as have been prescribed by the Government of His Highness the Maharaja;

(*b*) that the railway is sufficiently supplied with rolling-stock;

(*e*) that general rules for the working of the railway when opened for the public carriage of passengers have been made, sanctioned and published under this regulation; and

(*f*) that, in his opinion, the railway can be opened for the public carriage of passengers without danger to the public using it.

(2) If in the opinion of the Inspector the railway cannot be so opened without danger to the public using it, he shall state that opinion together with the grounds therefor to the Government of His Highness the Maharaja and that Government may thereupon order the railway administration to postpone the opening of the railway.

(3) An order under the last foregoing sub-section must setforth the requirements to be complied with as a condition precedent to the opening of the railway being sanctioned, and shall direct the postponement of the opening of the railway until those requirements have been complied with or the Government of His Highness the Maharaja is otherwise satisfied that the railway can be opened without danger to the public using it.

(4) The sanction given under this section may be either absolute or subject to such conditions as the Government of His Highness the Maharaja thinks necessary for the safety of the public.

(5) When sanction for the opening of a railway is given subject to conditions and the railway administration

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fails to fulfil those conditions, the sanction shall be deemed to be void and the railway shall not be worked or used until the conditions are fulfilled to the satisfaction of the Government of His Highness the Maharaja.

Application of the provisions of the three last foregoing sections to material alterations of a railway.

20. (1) The provisions of sections 17, 18 and 19 with respect to the opening of a railway shall extend to the opening of the works mentioned in sub-section (2) when those works form part of, or are directly connected with, a railway used for the public carriage of passengers and have been constructed after the inspection which preceded the first opening of the railway.

(2) The works referred to in sub-section (1) are additional lines of railway, deviation lines, stations, junctions and crossings on the level, and any alteration or reconstruction materially affecting the structural character of any work to which the provisions of sections 17, 18 and 19 apply or are extended by this section.

Exceptional provision.

21. When an accident has occurred resulting in a temporary suspension of traffic, and either the original line and works have been rapidly restored to their original standard, or a temporary diversion has been laid for the purpose of restoring communication, the original line and works so restored, or the temporary diversion, as the case may be, may in the absence of the Inspector, be opened for the public carriage of passengers, subject to the following conditions, namely :—

(*a*) that the railway servant in charge of the works undertaken by reason of the accident has certified in writing that the opening of the restored line and works or of the temporary diversion, will not in his opinion be attended with danger to the public using the line and works or the diversion ; and

(*b*) that notice by telegraph of the opening of the line and works or the diversion shall be sent, as soon as may be, to the Inspector appointed for the railway.

Power to make rules with respect to the opening of railways.

22. The Government of His Highness the Maharaja may make rules defining the cases in which, and in those cases the extent to which, the procedure prescribed in sections 17 to 20 (both inclusive) may be dispensed with.

Power to close an opened railway.

23. (1) When, after inspecting any open railway used for the public carriage of passengers, or any rolling-stock used thereon, an Inspector is of opinion that the use

of the railway or of any specified rolling-stock will be attended with danger to the public using it, he shall state that opinion, together with the grounds therefor, to the Government of His Highness the Maharaja, and that Government may thereupon order that the railway be closed for the public carriage of passengers, or that the use of the rolling-stock so specified be discontinued, or that the railway or the rolling-stock so specified be used for the public carriage of passengers on such conditions only as the Government of His Highness the Maharaja may consider necessary for the safety of the public.

(2) An order under sub-section (1) must set forth the grounds on which it is founded.

Re-opening of a closed railway.

24. (1) When a railway has been closed under the last foregoing section, it shall not be re-opened for the public carriage of passengers until it has been inspected, and its re-opening sanctioned, in accordance with the provisions of this Regulation.

(2) When the Government of His Highness the Maharaja has ordered under the last foregoing section that the use of any specified rolling-stock be discontinued, that rolling-stock shall not be used until an Inspector has reported that it is fit for use and the Government of His Highness the Maharaja has sanctioned its use.

(3) When the Government of His Highness the Maharaja has imposed under the last foregoing section any conditions with respect to the use of any railway or rolling-stock, those conditions shall be observed until they are withdrawn by that Government.

Delegation of powers under this chapter to Inspectors.

25. (1) The Government of His Highness the Maharaja may, by general or special order, authorize the discharge of any of its functions under this chapter by an Inspector, and may cancel any sanction or order given by an Inspector discharging any such function or attach thereto any condition which that Government might have imposed if the sanction or order had been given by itself.

(2) A condition imposed under sub-section (1) shall, for all the purposes of this Regulation, have the same effect as if it were attached to a sanction or order given by the Government of His Highness the Maharaja.

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CHAPTER V.

TRAFFIC FACILITIES.

Duty of railway administrations to arrange for receiving and forwarding traffic without unreasonable delay and without partiality.

26. (1) Every railway administration shall, according to its powers, afford all reasonable facilities for the receiving, forwarding and delivering of traffic upon and from the several railways belonging to or worked by it and for the return of rolling-stock.

(2) A railway administration shall not make or give any undue or unreasonable preference or advantage to or in favour of any particular person or railway administration, or any particular description of traffic, in any respect whatsoever, or subject any particular person or railway administration or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(3) A railway administration having or working railways which form part of a continuous line of railway communication, or having its terminus or station within one mile of the terminus or station of another railway administration, shall afford all due and reasonable facilities for receiving and forwarding by one of such railways all the traffic arriving by the other at such terminus or station, without any unreasonable delay, and without any such preference or advantage or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation may by means of such railways be at all times afforded to the public in that behalf.

(4) The facilities to be afforded under this section shall include the due and reasonable receiving, forwarding and delivering by every railway administration, at the request of any other railway administration, of through traffic to and from the railway of any other railway administration at through rates:

Provided as follows:—

(*a*) the railway administration requiring the traffic to be forwarded shall give written notice of the proposed through rate to each forwarding railway administration, stating both its amount and its apportionment and the

Section 26.

route by which the traffic is proposed to be forwarded. The proposed through rate for animals or goods may be per truck or per maund;

(*b*) each forwarding railway administration shall, within the prescribed period after the receipt of such notice, by written notice inform the railway administration requiring the traffic to be forwarded, whether it agrees to the rate, apportionment and route, and, if it has any objection, what the grounds of the objection are;

(*c*) if at the expiration of the prescribed period no such objection has been sent by any forwarding railway administration, the rate shall come into operation at the expiration of that period;

(*d*) if an objection to the rate, apportionment or route has been sent within the prescribed period, the same shall be considered and decided by the Government of His Highness the Maharaja;

(*e*) if the objection is to the granting of the rate or to the route, the Goverement of His Highness the Maharaja shall consider whether the granting of the rate is a due and reasonable facility in the interests of the public, and whether, regard being had to the circumstances, the route proposed is a reasonable route, and shall allow or refuse the rate accordingly or fix such other rate as may seem to that Government to be just and reasonable

(*f*) if the objection is only to the apportionment of the rate the rate shall come into operation at the expiration of the prescribed period, but the decision of the Government of His His Highness the Maharaja as to its apportionment shall be retrospective; in the case of any other objection, the operation of the rate shall be suspended until that Government makes its order in the case:

(*g*) the Government of His Highness the Maharaja in apportioning the through rate shall take into consideration all the circumstances of the case, including any special expense incurred in respect of the construction, maintenance or working of the route or any part of the route, as well as any special charge which any railway administration is entitled to make in respect thereof;

(*h*) the Government of His Highness the Maharaja shall not in any case compel any railway administration to accept lower mileage rates than the mileage rates which

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the administration may for the time being legally be charging for like traffic carried by a like mode of transit on any other line of communication between the same points, being the points of departure and arrival of the through route;

(*i*) subject to the foregoing provisions of this sub-section, the Government of His Highness the Maharaja shall have full power to decide that any proposed through rate is due and reasonable, notwithstanding that a less amount may be allotted to any forwarding railway administration out of the through rate than the maximum rate which the railway administration is entitled to charge, and to allow and apportion the through rate accordingly;

(*j*) the prescribed period mentioned in this sub-section shall be one month, or such longer period as the Government of His Highness the Maharaja may by general or special order prescribe.

Undue preference in case of unequal rates for like traffic or services.

27. (1) Whenever it is shown that a railway administration charges one trader or class of traders or the traders in any local area lower rates for the same or similar animals or goods, or lower rates for the same or similar services, than it charges to other traders or classes of traders, or to the traders in another local area, the burden of proving that such lower charge does not amount to an undue perference shall lie on the railway administration.

(2) In deciding whether a lower charge does or does not amount to an undue preference, the Government of His Highness the Maharaja may, so far as it thinks reasonable, in addition to any other considerations affecting the case, take into consideration whether such lower charge is necessary for the purpose of securing, in the interests of the public, the traffic in respect of which it is made.

Provision for facilities and equal treatment where boats are used which are not part of a railway

28. Where a railway administration is a party to an agreement for procuring the traffic of the railway to be carried on any inland water by any ferry, boat or raft which does not belong to or is not hired or worked by the railway administration, the provisions of the two last foregoing sections applicable to a railway shall extend to the ferry, boat or raft in so far as it is used for the purposes of the traffic of the railway.

Terminals.

29. A railway administration may charge reasonable terminals.

Sections 30-31.

Power of Government to fix terminals.

30. (1) Any question or dispute which may arise with respect to the terminals charged by a railway adminstration, shall be considered by the Government of His Highness the Maharaja, which shall decide what is a reasonable sum to be paid to the railway administration in respect of terminals.

(2) In deciding the question or dispute, the Government of His Highness the Maharaja shall have regard only to the expenditure reasonably necessary to provide the accommodation in respect of which the terminals are charged, irrespective of the outlay which may have been actually incurred by the railway administration in providing that accommodation.

CHAPTER VI.

WORKING OF RAILWAYS.

General.

General rules.

31. (1) Every railway company, and, in the case of a railway administered by the Government of His Highness the Maharaja, an officer to be appointed by that Government in this behalf, shall make general rules consistent with this Regulation for the following purposes, namely:—

(*a*) for regulating the mode in which, and the speed at which, rolling-stock used on the railway is to be moved or propelled;

(*b*) for providing for the accommodation and convenience of passengers and regulating the carriage of their luggage;

(*c*) for declaring what shall be deemed to be, for the purposes of this Regulation, dangerous or offensive goods, and for regulating the carriage of such goods;

(*d*) for regulating the conditions on which the railway administration will carry passengers suffering from infectious or contagious disorders, and providing for the disinfection of carriages which have been used by such passengers;

(*e*) for regulating the conduct of the railway servants;

(*f*) for regulating the terms and conditions on which the railway administration will warehouse or retain goods at any station on behalf of the consignee or owner; and

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(*g*) generally, for regulating the travelling upon, and the use, working and management of, the railway.

(2) The rules may provide that any person committing a breach of any of them shall be punished with fine which may extend to any sum not exceeding fifty rupees, and that, in the case of a rule made under clause (*e*) of sub-section (1), the railway servant shall forfeit a sum not exceeding one month's pay, which sum may be deducted by the railway administration from his pay.

(3) A rule made under this section shall not take effect until it has received the sanction of the Government of His Highness the Maharaja and been published in the official Gazette.

Provided that, where the rule is in the terms of a rule which has already been published at length in the official Gazette, a notification in a Gazette referring to the rule already published and announcing the adoption thereof shall be deemed a publication of a rule in the official Gazette within the meaning of this sub-section.

(4) The Government of His Highness the Maharaja may cancel any rule made under this section, and the authority required by sub-section (1) to make rules thereunder may at any time, with the previous sanction of that Government, rescind or vary any such rule.

(5) Every rule purporting to have been made for any railway under section 8 of the Indian Railway Act, 1879, and appearing from the official Gazette to be intended to apply to the railway at the commencement of this Regulation, shall, notwithstanding any irregularity in the making or publication of the rule, be deemed to have been made and to have taken effect under this section.

(6) Every railway administration shall keep at each station on its railway a copy of the general rules for the time being in force under this section on the railway, and shall allow any person to inspect it free of charge at all reasonable times.

Disposal of differences between railways regarding conduct of joint traffic.

32. Where two or more railway administrations whose railways have a common terminus or a portion of the same line of rails in common, or form separate portions of one continued line of railway communication, are not able to agree upon arrangements for conducting at such common terminus, or at the point of junction between them, their joint traffic with safety to the public, the

Sections 33-34.

Government of His Highness the Maharaja, upon the application of either or any of the administrations, may decide the matters in dispute between them, so far as those matters relate to the safety of the public, and may determine whether the whole or what proportion of the expenses attending on such arrangements shall be borne by either or any of the administrations respectively.

Agreements with the Government for construction or lease of rolling stock.

33. Any railway company may from time to time make and carry into effect agreements with the Government of His Highness the Maharaja for the construction of rolling-stock, plant or machinery used on, or in connection with, railways, or for leasing or taking on lease any rolling-stock, plant, machinery or equipments required for use on a railway, or for the maintenance of rolling-stock.

Powers of railway companies to enter into working agreements.

34. Any railway company may from time to time make with the Government of His Highness the Maharaja and carry into effect, or, with the sanction of that Government, make with any other railway administration, and carry into effect, any agreement with respect to any of the following purposes :—

(*a*) the working, use, management and maintenance of any railway ;

(*b*) the supply of rolling-stock and machinery necessary for any of the purposes mentioned in clause (*a*) and of officers and servants for the conduct of the traffic of the railway ;

(*c*) the payments to be made and the conditions to be performed with respect to such working, use, management and maintenance ;

(*d*) the interchange, accommodation and conveyance of traffic being on, coming from or intended for the respective railways of the contracting parties, and the fixing, collecting, apportionment and appropriation of the revenues arising from that traffic ;

(*e*) generally, the giving effect to any such provisions or stipulations with respect to any of the purposes hereinbefore in this section mentioned as the contracting parties may think fit and mutually agree on

Provided that the agreement shall not affect any of the rates which the railway administrations, parties thereto, are from time to time respectively authorised to demand and receive from any person, and that every person shall, notwithstanding the agreement, be entitled to the use and

Sections 35-37.

benefit of the railways of any railway administrations, parties to the agreement, on the same terms and conditions, and on payment of the same rates, as he would be if the agreement had not been entered into.

Establishment of ferries and roadways for accommodation of traffic.

35. Any railway company may from time to time exercise, with the sanction of the Government of His Highness the Maharaja, all or any of the following powers, namely:—

(*a*) it may establish, for the accommodation of the traffic of its railway, any ferry equipped with machinery and plant of good quality and adequate in quantity to work the ferry;

(*b*) it may work for purposes other than the accommodation of the traffic of the railway any ferry established by it under this section;

(*c*) it may provide and maintain on any of its bridges roadways for foot passengers, cattle, carriages, carts or other traffic;

(*d*) it may construct and maintain roads for the accommodation of traffic passing to or from its railway;

(*e*) it may provide and maintain any means of transport which may be required for the reasonable convenience of passengers, animals or goods carried or to be carried on its railway;

(*f*) it may charge tolls on the traffic using such ferries, roadways, roads or means of transport as it may provide under this section, according to tariffs to be arranged from time to time with the sanction of the Government of His Highness the Maharaja.

Returns.

36. Every railway administration shall, in forms to be prescribed by the Government of His Highness the Maharaja, prepare, half-yearly or at such intervals as that Government may prescribe, such returns of its capital and revenue transactions and of its traffic as the Government of His Highness the Maharaja may require, and shall forward a copy of such returns to the Government of His Highness the Maharaja at such times as it may direct.

Carriage of Property.

Maximum load for waggons.

37. (1) Every railway administration shall determine the maximum load for every wagon on truck in its possession, and shall exhibit the words or figures representing

the load so determined in a conspicuous manner on the outside of every such waggon or truck.

(2) Every person owning a wagon or truck which passes over a railway shall similarly determine and exhibit the maximum load for the wagon or truck.

(3) The gross weight of any such wagon or truck bearing on the axles when the wagon or truck is loaded to such maximum load shall not exceed such limit as may be fixed by the Government of His Highness the Maharaja for the class of axle under the wagon or truck.

Power for railway administrations to impose conditions for working traffic.

38. (1) Subject to the control of the Government of His Highness the Maharaja, a railway administration may impose conditions, not inconsistent with this Regulation or with any general rule thereunder, with respect to the receiving, forwarding or delivering of any animals or goods.

(2) The railway administration shall keep at each station on its railway a copy of the conditions for the time being in force under sub-section (1) at the station, and shall allow any person to inspect it free of charge at all reasonable times.

(3) A railway administration shall not be bound to carry any animal suffering from any infectious or contagious disorder.

Lien for rates, terminals and other charges.

39. (1) If a person fails to pay on demand made by or on behalf of a railway administration any rate, terminal or other charge due from him in respect of any animals or goods, the railway administration may detain the whole or any of the animals or goods, or, if they have been removed from the railway, any other animals or goods, of such person then being in or thereafter coming into its possession.

(2) When any animals or goods have been detained under sub-section (1), the railway administration may sell by public auction, in the case of perishable goods at once, and in the case of other goods or of animals on the expiration of at least fifteen days' notice of the intended auction, published in one or more of the local newspapers or, where there are no such newspapers, in such manner as the Government of His Highness the Maharaja may prescribe, sufficient of such animals or goods to produce a sum equal to the charge, and all expenses of such detention, notice and sale, including, in the case of

animals, the expenses of the feeding, watering, and tending thereof.

(3) Out of the proceeds of the sale the railway administration may return a sum equal to the charge and the expenses aforesaid, rendering the surplus, if any, of the proceeds, and such of the animals or goods (if any) as remain unsold, to the person entitled thereto.

(4) If a person on whom a demand for any rate, terminal or other charge due from him has been made fails to remove from the railway within a reasonable time any animals or goods which have been detained under sub-section (1) or any animals or goods which have remained unsold after a sale under sub-section (2), the railway administration may sell the whole of them and dispose of the proceeds of the sale as nearly as may be under the provisions of sub-section (3).

(5) Notwithstanding anything in the foregoing sub-sections, the railway administration may recover by suit any such rate, terminal or other charge as aforesaid or balance thereof.

Disposal of unclaimed things on a railway.

40. (1) When any animals or goods have come into the possession of a railway administration for carriage or otherwise and are not claimed by the owner or other person appearing to the railway administration to be entitled thereto, the railway administration shall, if such owner or person is known, cause a notice to be served upon him, requiring him to remove the animals or goods.

(2) If such owner or person is not known, or the notice cannot be served upon him, or he does not comply with the requisition in the notice, the railway administration may within a reasonable time, subject to the provisions of any other enactment for the time being in force, sell the animals or goods as nearly as may be under the provisions of the last foregoing section, rendering the surplus, if any, of the proceeds of the sale to any person entitled thereto.

Power for railway administrations to require indemnity on delivery of goods in certain cases.

41. Where any animals, goods or sale proceeds in the possession of a railway administration are claimed by two or more persons, or the ticket or receipt given for the animals or goods is not forthcoming, the railway administration may withhold delivery of the animals, goods or sale proceeds until the person entitled in its opinion to receive them has given an indemnity, to the satisfaction

of the railway administration, against the claims of any other person with respect to the animals, goods or sale-proceeds.

Requisitions for written accounts of description of goods.

42. (1) The owner or person having charge of any goods which are brought upon a railway for the purpose of being carried thereon, and the consignee of any goods which have been carried on a railway, shall, on the request of any railway servant appointed in this behalf by the railway administration, deliver to such servant an account in writing signed by such owner or person, or by such consignee, as the case may be, and containing such a description of the goods as may be sufficient to determine the rate which the railway administration is entitled to charge in respect thereof.

(2) If such owner, person or consignee refuses or neglects to give such an account, and refuses to open the parcel or package containing the goods in order that their description may be ascertained, the railway administration may, (*a*) in respect of goods which have been brought for the purpose of being carried on the railway, refuse to carry the goods unless in respect thereof a rate is paid not exceeding the highest rate which may be in force at the time on the railway, for any class of goods or, (*b*) in respect of goods which have been carried on the railway, charge a rate not exceeding such highest rate.

(3) If an account delivered under sub-section (1) is materially false with respect to the description of any goods to which it purports to relate, and which have been carried in the railway, the railway administration may charge in respect of the carrige of the goods a rate not exceeding double the highest rate which may be in force at the time on the railway for any class of goods.

(4) If any difference arise between a railway servant and the owner or person having charge, or the consignee, of any goods which have been brought to be carried or have been carried on a railway, respecting the description of goods of which an account has been delivered under this section, the railway servant may detain and examine the goods.

(5) If it appears from the examination that the description of the goods is different from that stated in an account delivered under sub-section (1), the person who delivered the account, or, if that person is not the owner

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of the goods, then that person and that owner jointly and severally, shall be liable to pay to the railway administration the cost of the detention and examination of the goods, and the railway administration shall be exonerated from all responsibility for any loss which may have been caused by the detention or examination thereof.

(6) If it appears that the description of the goods is not different from that stated in an account delivered under sub- section (1), the railway administration shall pay the cost of the detention and examination, and be responsible to the owner of the goods for any such loss as aforesaid.

Dangerous or offensive goods.

43. (1) No person shall be entitled to take with him, or to require a railway administration to carry, any dangerous or offensive goods upon a railway.

(2) No person shall take any such goods with him upon a railway without giving notice of their nature to the station-master or other railway servant in charge of the place where he brings the goods upon the railway, or shall tender or deliver any such goods for carrige upon a railway without distinctly marking their nature on the outside of the package containing them or otherwise giving notice in writing of their nature to the railway servant to whom he tenders or delivers them.

(3) Any railway servant may refuse to recevie such goods for carriage, and, when such goods have been so received without such notice as is mentioned in *sub-section (2) * having to his knowledge been given, may refuse to carry them or may stop their transit.

(4) If any railway servant has reason to believe any such goods to be contained in a package with respect to the contents whereof such notice as is mentioned in sub-section (2) has not to his knowledge been given, he may cause the package to be opened for the purpose of ascertaining its contents.

(5) Nothing in this section shall be construed to derogate from the Mysore Explosives Regulation, II of 1888, or any rule under that Regulation, and nothing in sub-sections (1), (3) and (4) shall be construed to apply to any goods tendered or delivered for carriage by order or on behalf of the Government of His Highness the Maharaja or the British Government or to any goods which an

*Substituted for 'sub-section (1)' by section 4 of Regulation X of 1919

officer, soldier, sailor or police-officer or a person enrolled as a Volunteer under the Indian Volunteers' Act. 1869, may take with him upon a railway in the course of his employment or duty as such.

Exhibition to the public of authority for quoted rates.

44. At every station at which a railway administration quotes a rate to any other station for the carriage of traffic other than passengers and their luggage, the railway servant appointed by the administration to quote the rate shall, at the request of any person, show to him at all reasonable times, and without payment of any fee, the rate-books or other documents in which the rate is authorized by the administration or administrations concerned.

Requisitions on railway administrations for details of gross charges.

45. (1) Where any charge is made by and paid to a railway administration in respect of the carrige of goods over its railway, the administration shall, on the application of the person by whom or on whose behalf the charge has been paid, render to the applicant an account showing how much of the charge comes under each of the following heads namely:—

(*a*) the carriage of the goods on the railway;

(*b*) terminals;

(*c*) demurrage; and

(*d*) collection, delivery and other expenses;

but without particularizing the several items of which the charge under each head consists.

(2) The application under sub-section (1) must be in writing and be made to the railway administration within one month after the date of the payment of the charge by or on behalf of the applicant, and the account must be rendered by the administration within two months after the receipt of the application.

Carriage of Passengers.

Communication between passengers and railway servants in charge of transit.

46. The Government of His Highness the Maharaja may require any railway administration to provide and maintain in proper order, in any train worked by it which carries passengers, such efficient means of communication between the passangers and the railway servants in charge of the train as that Government has approved.

Sections 47–51.

Maximum number of passengers for each compartment.

47. Every railway administration shall fix, subject to the approval of the Government of His Highness the Maharaja, the maximum number of passengers which be carried in each compartment of every description of carriage, and shall exhibit the number so fixed in a conspicuous manner inside or outside each compartment, in English or in Kanarese or both in English and in Kanarese, as the Government of His Highness the Maharaja, after consultation with the railway administration, may determine.

Reservation of compartments for females.

48. (1) On and after the first day of May 1894, every railway administration shall, in every train carrying passengers, reserve for the exclusive use of females one compartment at least of the lowest class of carriage forming part of the train.

(2) One such compartment so reserved shall, if the train is to run for a distance exceeding fifty miles, be provided with a closet.

Exhibition of time-tables and tables of fares at stations.

49. Every railway administration shall cause to be posted in a conspicuous and accessible place at every station on its railway, in English and in Kanarese, a copy of the time-tables for the time being in force on the railway, and lists of the fares chargeable for travelling from the station where the lists are posted to every place for which card-tickets are ordinarily issued to passengers at that station.

Supply of tickets on payment of fares.

50. (1) Every person desirous of travelling on a railway shall, upon payment of his fare, be supplied with a ticket, specifying the class of carriage for which, and the place from and the place to which, the fare has been paid, and the amount of the fare.

(2) The matters required by sub-section (1) to be specified on a ticket shall be set forth—

(*a*) if the class of carriage to be specified thereon is the lowest class, then in Kanarese, and

(b) if the class of carriage to be so specified is any other than the lowest class, then in English.

Provision for case in which tickets have been issued for trains no having room available for additional passengers.

51. (1) Fares shall be deemed to be accepted, and tickets to be issued, subject to the condition of there being room available in the train for which the tickets are issued.

(2) A person to whom a ticket has been issued and for whom there is not room available in the train for

which the ticket was issued, shall, on returning the ticket within three hours after the departure of the train, be entitled to have his fare at once refunded.

(3) A person for whom there is not room available in the class of carriage for which he has purchased a ticket and who is obliged to travel in a carriage of a lower class, shall be entitled on delivering up his ticket to a refund of the difference between the fare paid by him and the fare payable for the class of carriage in which he travelled.

Prohibition against travelling without pass or ticket.

52. (1) No person shall, without the permission of a railway servant, enter any carriage on a railway for the purpose of travelling therein as a passenger, unless he has with him a proper pass or ticket.

Exhibition and surrender of passes and tickets.

53. Every passenger by railway shall, on the requisition of any railway servant appointed by the railway administration in this behalf, present his pass or ticket to the railway servant for examination, and at or near the end of the journey for which the pass or ticket was issued, or, in the case of a season pass or ticket, at the expiration of the period for which it is current, deliver up the pass or ticket to the railway servant.

Return and season tickets.

54. A return ticket or season ticket shall not be transferable and may be used only by the person for whose journey to and from the places specified thereon it was issued.

Power to refuse to carry persons suffering from infectious or contagious disorder.

55. (1) A railway administration may refuse to carry, except in accordance with the conditions prescribed under section 31, sub-section (1), clause (d), a person suffering from any infectious or contagious disorder.

(2) A person suffering from such a disorder shall not enter or travel upon a railway without the special permission of the station-master or other railway servant in charge of the place where he enters upon the railway.

(3) A railway servant giving such permission as is mentioned in sub-section (2) must arrange for the separation of the person suffering from the disorder from other persons being or travelling upon the railway.

(2) A railway servant when granting the permission referred to in sub-section (1) shall ordinarily, if empowered in this behalf by the railway administration, grant to the passenger a certificate that the passenger has been permitted to travel in such carriage upon condition that he subsequently pays the fare payable for the distance to be travelled.

Sections 56-57.

CHAPTER VII.

RESPONSIBILITY OF RAILWAY ADMINISTRATIONS AS CARRIERS.

Measure of the general responsibility of a railway administration as a carrier of animals and goods.

56. (1) The responsibility of a railway administration for the loss, destruction or deterioration of animals or goods delivered to the administration to be carried by railway shall, subject to the other provisions of this Regulation, be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872.

(2) An agreement purporting to limit that responsibility shall, in so far as it purports to effect such limitation, be void, unless it—

(*a*) is in writing signed by or on behalf of the person sending or delivering to the railway administration the animals or goods, and

(*b*) is otherwise in a form approved by the Government of His Highness the Maharaja.

Further provision with respect to the liability of a railway administration as a carrier of animals.

57. (1) The responsibility of a railway administration under the last foregoing section for the loss, destruction or deterioration of animals delivered to the administration to be carried on a railway, shall not in any case exceed, in the case of elephants or horses, five hundred rupees a head, or, in the case of *mules, camels or horned cattle, fifty rupees a head, or, in the case of *donkeys, sheep, goats, dogs or other animals, ten rupees a head unless the person sending or delivering them to the administration caused them to be declared, or declared them, at the time of their delivery for carriage by railway, to be respectively of higher value than five hundred, fifty or ten rupees a head, as the case may be.

(2) Where such higher value has been declared, the railway administration may charge, in respect of the increased risk, a percentage upon the excess of the value so declared over the respective sums aforesaid.

(3) In every proceeding against a railway administration for the recovery of compensation for the loss, destruction, or deterioration of any animal, the burden of proving the value of the animal and, where the animal has

* The word 'mules' and 'donkeys' were inserted by sec 5 of Regulation X of 1919.

been injured, the extent of the injury shall lie upon the person claiming the compensation.

Further provision with respect to the liability of a railway administration as a carrier of luggage.

58. A railway administration shall not be responsible for the loss, destruction or deterioration of any luggage belonging to or in charge of a passenger, unless a railway servant has booked and given a receipt therefor.

Further provision with respect to the liability of a railway administration as a carrier of articles of special value.

59. (1) When any articles mentioned in the schedule hereto annexed are contained in any parcel or package delivered to a railway administration for carriage by railway, and the value of such articles in the parcel or package exceeds one hundred rupees, the railway adminstration shall not be responsible for the loss, destruction or deterioration of the parcel or package, unless the person sending or delivering the parcel or package to the administration caused its value and contents to be declared or declared them at the time of the delivery of the parcel or package for carriage by railway, and, if so required by the administration, paid or engaged to pay a percentage on the value so declared by way of compensation for increased risk.

(2) When any parcel or package of which the value has been declared under sub-section (1) has been lost or destroyed or has deteriorated, the compensation recoverable in respect of such loss, destruction or deterioration shall not exceed the value so declared, and the burden of proving the value so declared to have been the true value shall, notwithstanding anything in the declaration, lie on the person claiming the compensation.

(3) A railway administration may make it a condition of carrying a parcel declared to contain any article mentioned in the second schedule that a railway servant authorized in this behalf has been satisfied by examination or otherwise that the parcel actually contains the article declared to be therein

Burden of proof in suits in respect of loss of animals or goods.

60. In any suit against a railway administration for compensation for loss, destruction or deterioration of animals or goods delivered to a railway administration for carriage by railway, it shall not be necessary for the plaintiff to prove how the loss, destruction or deterioration was caused.

Sections 61-64.

Notification of claims to refunds of over charges and to compensation for losses.

61. A person shall not be entitled to a refund of an overcharge in respect of animals or goods carried by railway or to compensation for the loss, destruction or deterioration of animals or goods delivered to be so carried, unless his claim to the refund or compensation has been preferred in writing by him or on his behalf to the railway administration within six months from the date of the delivery of the animals or goods for carriage by railway.

Exoneration from responsibility in case of goods falsely described

62. Notwithstanding anything in the foregoing provisions of this chapter, a railway administration shall not be responsible for the loss, destruction or deterioration of any goods with respect to the description of which an account materially false has been delivered under subsection (1) of section 42, if the loss, destruction or deterioration is in any way brought about by the false account, nor in any case for an amount exceeding the value of the goods, if such value were calculated in accordance with the description contained in the false account.

Settlement of compensation for injuries to officers, soldiers and followers on duty.

63. Where an officer, soldier or follower, while being or travelling as such on duty upon a railway belonging to, and worked by, the Government of His Highness the Maharaja, loses his life or receives any personal injury in such circumstances that if he were not an officer, soldier or follower being or travelling as such on duty upon the railway, compensation would be payable under Mysore Regulation No. II of 1892 or to him, as the case may be, the form and amount of the compensation to be made in respect of the loss of his life or his injury shall, where there is any provision in this behalf in the military regulations to which he was immediately before his death, or is, subject, be determined in accordance with those regulations, and not otherwise.

Suits for compensation for injury to through-booked traffic.

64. Notwithstanding anything in any agreement purporting to limit the liability of a railway administration with respect to traffic while on the railway of another administration, a suit for compensation for loss of the life of, or personal injury to, a passenger, or for loss, destruction or deterioration of animals or goods where the passenger was or the animals or goods were booked through over the railways of two or more railway administrations, may be brought either against the railway administration from which the passenger obtained

Sections 65-66.

his pass or purchased his ticket, or to which the animals or goods were delivered by the consignor thereof, as the case may be, or against the railway administration on whose railway the loss, injury, destruction or deterioration occurred.

65. *Section* 65 *was repealed by Regulation* X *of* 1919.

CHAPTER VIII.

ACCIDENTS.

Report of railway accidents,

66. When any of the following accidents occurs in the course of working a railway, namely :—

(*a*) any accident attended with loss of human life, or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property ;

(*b*) any collision between trains of which one is a train carrying passengers ;

(*c*) the derailment of any train carrying passengers, or of any part of such a train ;

(*d*) any accident of a description usually attended with loss of human life or with such grievous hurt as aforesaid or with serious injury to property ;

(*e*) any accident of any other description which the Government of His Highness the Maharaja may notify in this behalf in the official Gazette ;

the railway administration working the railway and, if the accident happens to a train belonging to any other railway administration, the other railway administration also shall, without unnecessary delay, send notice of the accident to the Government of His Highness the Maharaja and to the Inspector appointed for the railway ; and the station-master nearest to the place at which the accident occurred or, where there is no station-master, the railway servant in charge of the section of the railway on which the accident occurred shall, without unnecessary delay, give notice of the accident to the Magistrate of the district in which the accident occurred, and to the officer in charge of the police-station within the local limits of which it occurred, or to such other Magistrate and police-officer as the Government of His Highness the Maharaja appoints in this behalf.

Sections 67-70.

Power to make rules regarding notices of and inquiries into accidents.

67. The Government of His Highness the Maharaja may make rules, consistent with this Regulation and any other enactment for the time being in force, for all or any of the following purposes, namely:—

(*a*) for prescribing the forms of the notices mentioned in the last foregoing section, and the particulars of the accident which those notices are to contain;

(*b*) for prescribing the class of accidents, of which notice is to be sent by telegraph immediately after the accident has occurred;

(*c*) for prescribing the duties of railway servants, police-officers, Inspectors and Magistrates on the occurrence of an accident.

Provision for compulsory medical examination of person injured in railway accident.

68. Whenever any person injured by an accident on a railway claims compensation on account of the injury, any Court or person having by law or consent of parties authority to determine the claim may order that the person injured be examined by some duly qualified medical practitioner named in the order and not being a witness on either side, and may make such order with respect to the costs of the examination as it or he thinks fit.

CHAPTER IX.

PENALTIES AND OFFENCES.

Forfeitures by Railway Companies

Penalty for default in compliance with requisition under section 13.

69. If a railway company fails to comply with any requisition made under section 13, it shall forfeit to the Government of His Highness the Maharaja the sum of two hundred rupees for the default and a further sum of fifty rupees for every day after the first during which the defualt continues.

Penalty for contravention of sections 16, 18, 19, 20, 21

70. If a railway company moves any rolling-stock upon a railway by steam or other motive power in contravention of section 16, sub-section (2), or opens or uses any railway or work in contravention of section 18, section 19, section 20 or section 21, or re-opens any railway or uses any rolling-stock in contravention of section 24, it

shall forfeit to the Government of His Highness the Maharaja the sum of two hundred rupees for every day during which the motive power, railway, work or rolling-stock is used in contravention of any of those sections.

Penalty for not having certain documents kept or exhibited at stations under sections 31, 38 or 49.

71. If a railway company fails to comply with the provisions of section 31, sub-section (6), section 38 sub-section (2), or section 49, with respect to the books or other documents to be kept open to inspection or conspicuously posted at stations on its railway, it shall forfeit to the Government of His Highness the Maharaja the sum of fifty rupees for every day during which the default continues.

Penalty for not making rules as required by section 31.

72. If a railway company fails to comply with the provisions of section 31 with respect to the making of general rules, it shall forfeit to the Government of His Highness the Maharaja the sum of fifty rupees for every day during which the default continues.

Penalty for failure to comply with decision under section 32.

73. If a railway company refuses or neglects to comply with any decision of the Government of His Highness the Maharaja under section 32, it shall forfeit to that Government the sum of two hundred rupees for every day during which the refusal or neglect continues.

Penalty for delay in submitting returns under section 36.

74. If a railway company fails to comply with the provisions of section 36 with respect to the submission of any return it shall forfeit to the Government of His Highness the Maharaja the sum of fifty rupees for every day during which the default continues after the fourteenth day from the date prescribed for the submission of the return.

Penalty for neglect of provisions of section 37 or 47 with respect to carrying capacity of rolling-stock.

75. If a railway company contravenes the provisions of section 37 or section 47 with respect to the maximum load to be carried in any wagon or truck, or the maximum number of passengers to be carried in any compartment, or the exhibition of such load on the wagon or truck or of such number in or on the compartment, or knowingly suffers any person owning a wagon or truck passing over its railway to contravene the provisions of the former of those sections, it shall forfeit to the Government of His Highness the Maharaja the sum of twenty rupees for every day during which either section is contravened.

Sections 76-80.

Penalty for failure to comply with requisition under section 46 for maintenance of means of communication between passengers and railway servants.

76. If a railway company fails to comply with any requisition of the Government of His Highness the Maharaja under section 46 for the provision and maintenance in proper, order in any train worked by it, which carries passengers, of such efficient means of communication as that Government has approved, it shall forfeit to the Government of His Highness the Maharaja the sum of twenty rupees for each train run in disregard of the requisition.

Penalty for failure to reserve compartments for females under section 48.

77. If a railway company fails to comply with the requirements of section 48 with respect to the reservation of compartments for females or the provision of closets therein, it shall forfeit to the Government of His Highness the Maharaja the sum of twenty rupees for every train in respect of which the default occurs.

Penalty for omitting to give the notices of accidents required by section 66 and under section 67

78. If a railway company omits to give such notice of an accident as is required by section 66 and the rules for the time being in force under section 67, it shall forfeit to the Government of His Highness the Maharaja the sum of one hundred rupees for every day during which the omission continues.

Recovery of penalties.

79. (1) When a railway company has, through any act or omission, forfeited any sum to the Government of His Highness the Maharaja under the foregoing provisions of this Chapter, the sum shall be recoverable by suit in the District Court having jurisdiction in the place where the act or omission or any part thereof occurred.

(2) This suit must be instituted with the previous sanction of the Government of His Highness the Maharaja, and the plaintiff therein shall be the Dewan of Mysore.

(3) The Government of His Highness the Maharaja may remit the whole or any part of any sum forefeited by a railway company to that Government under the foregoing provisions of this Chapter.

Alternative or supplementary character of remedies afforded by the foregoing provisions of this chapter

80. Nothing in these provisions shall be construed to preclude the Government of His Highness the Maharaja from resorting to any other mode of proceeding instead of, or in addition to, such a suit as is mentioned in the last foregoing section, for the purpose of compelling a railway company to discharge any obligation imposed upon it by this Regulation.

Sections 81-86.

Offences by Railway Servants.

Breach of duty imposed by section 44.

81. If a railway servant whose duty it is to comply with the provisions of section 44 negligently or wilfully omits to comply therewith, he shall be punished with fine which may extend to twenty rupees.

Drunkenness.

82. If a railway servant is in a state of intoxication while on duty, he shall be punished with fine which may extend to fifty rupees or, where the improper performance of the duty would be likely to endanger the safety of any person travelling or being upon a railway, with imprisonment for a term which may extend to one year, or with fine, or with both.

Endangering the safety of persons.

83. If a railway servant, when on duty, endangers the safety of any person—

(*a*) by disobeying any general rule made, sanctioned, published and notified under this Regulation; or

(*b*) by disobeying any rule or order which is not inconsistent with any such general rule, and which such servant was bound by the terms of his employment to obey and of which he had notice, or

(*c*) by any rash or negligent act or omission,

he shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to five hundred rupees, or with both.

Compelling passengers to enter carriages already

84. If a railway servant compels or attempts to compel, or causes, any passenger to enter a compartment which already contains the maximum number of passengers exhibited therein or thereon under section 47, he shall be punished with fine which may extend to twenty rupees.

Omission to give notice of accident.

85. If a station-master or a railway servant in charge of a section of a railway omits to give such notice of an accident as is required by section 66 and the rules for the time being in force under section 67, he shall be punished with fine which may extend to fifty rupees.

Obstructing level crossings.

86. If a railway servant unnecessarily—

(*a*) allows any rolling-stock to stand across a place where the railway crosses a public road on the level, or

(*b*) keeps a level-crossing closed against the public,

he shall be punished with fine which may extend to twenty rupees.

Sections 87-92

False returns.

87. If any return which is required by this Regulation is false in any particular to the knowledge of any person who signs it, that person shall be punished with fine which may extend to five hundred rupees, or with imprisonment which may extend to one year, or with both.

Other Offences.

Giving false account of goods.

88. If a person requested under section 42 to give an account with respect to any goods gives an account which is materially false, he and, if he is not the owner of the goods, the owner also shall be punished with fine which may extend to ten rupees for every maund or part of a maund of the goods, and the fine shall be in addition to any rate or other charge to which the goods may be liable.

Unlawfully bringing dangerous or offensive goods upon a railway.

89. If in contravention of section 43 a person takes with him any dangerous or offensive goods upon a railway, or tenders or delivers any such goods for carriage upon a railway, he shall be punished with fine which may extend to five hundred rupees, and shall also be responsible for any loss, injury or damage which may be caused by reason of such goods having been so brought upon the railway.

Needlessly interfereing with means of communication in a train.

90. If a passenger, without reasonable and sufficient cause, makes use of or interferes with any means provided by a railway administration for communication between passengers and the railway servants in charge of a train, he shall be punished with fine which may extend to fifty rupees.

Entering compartment reserved or already full or resisting entry into a compartment not full.

91. (1) If a passenger, having entered a compartment which is reserved by a railway administration for the use of another passenger, or which already contains the maximum number of passengers exhibited therein or thereon under section 47, refuses to leave it when required to do so by any railway servant, he shall be punished with fine which may extend to twenty rupees.

(2) If a passenger resists the lawful entry of another passenger into a compartment not reserved by the railway administration for the use of the passenger resisting or not already containing the maximum number of passengers exhibited therein or thereon under section 47, he shall be punished with fine which may extend to twenty rupees.

Smoking.

92. (1) If a person, without the consent of his fellow-passengers, if any, in the same compartment, smokes in any compartment except a compartment

specially provided for the purpose, he shall be punished with fine which may extend to twenty rupees.

(2) If any person persists in so smoking after being warned by any railway servant to desist, he may in addition to incurring the liability mentioned in sec- (1) be removed by any railway servant from any carriage in which he is.

Defacing number plate.

(2) Notwithstanding anything contained in section 65 of the Indian Penal Code, as in force in Mysore, the Court convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months. If, ... any of the ... such board or document, he ... with fine which may extend to fifty rupees.

Fraudulently travelling or attempting to travel without proper pass or ticket.

94. (1) If a person, with intent to defraud a railway administration—

(*a*) enters in contravention of section 52 any carriage on a railway, or

(*b*) uses or attempts to use a single pass or single ticket which has already been used on a previous journey or, in the case of a return ticket, a half thereof which has already been so used,

he shall be punished with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have travelled.

Travelling without pass or tickets or with insufficient pass or ticket or beyond authorised distance.

95. (1) If a passenger travels in a train without having a proper pass or a proper ticket with him, or being in or having alighted from a train, fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor under section 53, he shall be liable to pay, on the demand of any railway servant appointed by the railway administration in this behalf, the excess charge hereinafter in this section mentioned, in addition to the ordinary single fare for the distance which he has travelled, or, where there is any doubt as to the station from which he started, the ordinary single fare from the station from which the train originally started, or, if the tickets of passengers travelling in the train have been examined since the original starting of the train, the ordinary single fare from the place where the tickets were examined, or, in case of their having been examined more than once, were last examined.

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* * Substituted by section 3 of Act XIV of 1942.

\+ \+ Added by section 3 of Act XIV of 1942.

\# Sub-section (2) added by Act XIV of 1942.

Section 95.

(2) If a passenger travels or attempts to travel in or on a carriage, or by a train, of a higher class than that for which he has obtained a pass or purchased a ticket, or travels in or on a carriage beyond the place authorised by his pass or ticket, he shall be liable to pay, on the demand of any railway servant appointed by the railway administration in this behalf, the excess charge hereinafter in this section mentioned, in addition to any difference between any fare paid by him and the fare payable in respect of such journey as he has made.

(3) The excess charge referred to in sub-section (1) and sub-section (2) shall,—

(*a*) where the passenger has immediately after incurring the charge and before being detected by a railway servant notified to the railway servant on duty with the train the fact of the charge having been incurred, be one rupee, two annas, or eight annas, and,

(*b*) in any other case, be six rupees, one rupee, or three rupees,

according as the passenger is travelling or has travelled or has attempted to travel in a carriage of the highest class or in a carriage of the lowest class or in a carriage of any other class or kind :

Provided that such excess charge shall in no case exceed,—

(*a*) where the liability to pay it arises under sub-section (1), the amount of the ordinary single fare which the passenger incurring the charge is liable to pay under that sub-section, or

(*b*) where such liability arises under sub-section (2), the amount of the difference between the fare paid by the passenger incurring the charge and the fare payable in respect of such journey as he has made.

(4) If a passenger liable to pay the excess charge and fare mentioned in sub-section (1), or the excess charge and any difference of fare mentioned in sub-section (2), fails or refuses to pay the same on demand being made therefor under one or other of those sub-sections, as the case may be, the sum payable by him shall, on application made to any Magistrate by any railway servant appointed by the railway administration in this behalf, be recovered by the Magistrate from the passenger as if it were a fine

* Substituted by Section 4(a) of Act XIV of 1942.

[] Substituted by Section 4(b) of Act XIV of 1942.

imposed on the passenger by the Magistrate and shall, as it is recovered, be paid to the railway administration.

Transferring *any half of return ticket.

96. If a person sells or attempts to sell, or parts or attempts to part with the possession of, *any half* of a return ticket in order to enable any other person to travel therewith, or purchases such half of a return ticket, he shall be punished with fine which may extend to fifty rupees, and, if the purchaser of such half of a return ticket travels or attempts to travel therewith, he shall be punished with an additional fine which may extend to the amount of the single fare for the †journey authorized by the ticket.

Disposal of fine under the two last foregoing sections.

97. That portion of any fine imposed under section 94 or the last foregoing section which represents the single fare therein mentioned shall, as the fine is recovered, be paid to the railway administration before any portion of the fine is credited to the Government of His Highness the Maharaja.

Altering or defacing pass or ticket.

98. If a passengar wilfully alters or defaces his pass or ticket so as to render the date, number or any material portion thereof illegible, he shall be punished with fine which may extend to fifty rupees.

Being or suffering person to travel on railway with infectious or contagious disorder.

99. (1) If a person suffering from an infectious or contagious disorder enters or travels upon a railway in contravention of section 55, sub-section (2), he and any person having charge of him upon the railway when he so entered or travelled thereon, shall be punished with fine which may extend to twenty rupees, in addition to the forfeiture of any fare which either of them may have paid, and of any pass or ticket which either of them may have obtained or purchased, and may be removed from the railway by any railway servant.

(2) If any such railway servant as is referred to in section 55, sub-section (2), knowing that a person is suffering from any infectious or contagious disorder, wilfully permits the person to travel upon a railway without arranging for his separation from other passengers, he shall be punished with fine which may extend to one hundred rupees.

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* * The words 'any half' were substituted for the original words 'the return half' by Section 7 of Regulation X of 1919.

† The word 'return' was repealed by Section 7 of Regulation X of 1919.

(3) The excess charge referred to in sub-section (1) and sub-section (2) shall be a sum equivalent to the amount otherwise payable under those sub-sections, or eight annas, whichever is greater:

Provided that where the passenger has immediately after incurring the charge and before being detected by a railway servant notified to the railway servant on duty with the train the fact of the charge having been incurred, the excess charge shall be one-sixth of the excess charge otherwise payable calculated to the nearest anna, or two annas, whichever is greater:

Provided further that if the passenger has with him a certificate granted under sub-section (2) of section 52, no excess charge shall be payable.

(amendment) Act, 1942. and commencement

2. (1) Section 52 of the Mysore Railways Act, 1894 (hereinafter referred to as the said Act), shall be re-numbered as sub-section (1) of that section and in the said section as so re-numbered, after the word "enter", the words "or remain in" shall be inserted.

(2) To the said section as so re-numbered and amended, the following sub-section shall be added, namely:— Amendment of section 52, Act IV of 1894.

"(2) A railway servant when granting the permission referred to in sub-section (1) shall ordinarily, if empowered in this behalf by the railway administration, grant to the passenger a certificate that the passenger

[" any railway servant appointed by the railway administration in this behalf may apply to any Magistrate of the first or second class for the recovery of the sum payable as if it were fine, and the Magistrate, if satisfied, that the sum is payable, shall order it to be so recovered, and may order that the person liable for the payment shall, in default of payment, suffer imprisonment of either description for a term which may extend to one month. Any sum recovered under this sub-section shall, as it is recovered, be paid to the railway administration .]

Powers to remove persons from railway carriage.

95-A. Any person who, without having obtained the permission of a railway servant travels or attempts to travel in a carriage without having a proper pass or ticket with him, or in a carriage of a higher class than that for which he has obtained a pass or purchased a ticket, or in a carriage beyond the place authorised by his pass or ticket, or who, being in a carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor under section 53, may be removed from the carriage by any railway servant authorised by the railway administration in this behalf or by any other person whom such railway servant may call to his aid, unless he then and there pays the fare and the excess charge which he is liable to pay under section 95:

Provided that nothing in this section shall be deemed to preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket:

Provided further that women and children, if unaccompanied by male passengers shall not be so removed except either at the station at which they first enter the train or at a junction or terminal station or station at the headquarters of a civil district and only between the hours of 6 A. M. and 6 P. M.

Sections 100-103.

Entering carriage in motion, or otherwise improperly travelling on a railway

100. (1) If a passenger enters or leaves, or attempts to enter or leave, any carriage while the train is in motion, or elsewhere than at the side of the carriage adjoining the platform or other place appointed by the railway administration for passengers to enter or leave the carriage, or opens the side-door of any carriage while the train is in motion, he shall be punished with fine which may extend to twenty rupees.

(2) If a passenger, after being warned by a railway servant to desist, persists in travelling on the roof, steps or footboard of any carriage or on an engine, or in any other part of a train not intended for the use of passengers, he shall be punished with fine which may extend to fifty rupees and may be removed from the railway by any railway servant.

Entering carriage or other place reserved for females.

101. If a male person, knowing a carriage, compartment, room or other place to be reserved by a railway administration for the exclusive use of females, enters the place without lawful excuse, or having entered it, remains therein after having been desired by any railway servant to leave it, he shall be punished with fine which may extend to one hundred rupees, in addition to the forfeiture of any fare which he may have paid and of any pass or ticket which he may have obtained or purchased, and may be removed from the railway by any railway servant.

Drunkenness or nuisance on a railway.

102. If a person in any railway carriage or upon any part of a railway

(*a*) is in a state of intoxication, or

(*b*) commits any nuisance or act of indecency, or uses obscene or abusive language, or

(*c*) wilfully and without lawful excuse interferes with the comfort of any passenger or extinguishes any lamp,

he shall be punished with fine which may extend to fifty rupees, in addition to the forfeiture of any fare which he may have paid and of any pass or ticket which he may have obtained or purchased, and may be removed from the railway by any railway servant.

Obstructing railway servant in his duty.

103. If a person wilfully obstructs or impedes any railway servant in the discharge of his duty, he shall be punished with fine which may extend to one hundred rupees.

Sections 104-107.

Trespass and refusal to desist from trespass.

104. (1) If a person unlawfully enters upon a railway, he shall be punished with fine which may extend to twenty rupees.

(2) If a person so entering refuses to leave the railway on being requested to do so by any railway servant or by any other person on behalf of the railway administration, he shall be punished with fine which may extend to fifty rupees, and may be removed from the railway by such servant or other person.

Disobedience of omnibus drivers to directions of railway servants.

105. If a driver or conductor of a tramcar, omnibus, carriage or other vehicle while upon the premises of a railway disobeys the reasonable directions of any railway servant or police-officer, he shall be punished with fine which may extend to twenty rupees.

Opening or not properly shutting gate.

106. In either of the following cases, namely :

(*a*) if a person knowing or having reason to believe that an engine or train is approaching along a railway, opens any gate set up on either side of the railway across a road; or passes or attempts to pass, or drives or takes, or attempts to drive or take, any animal, vehicle or other thing across the railway;

(*b*) if, in the absence of a gate-keeper, a person omits to shut and fasten such a gate as aforesaid as soon as he and any animal, vehicle or other thing under his charge have passed through the gate,

the person shall be punished with fine which may extend to fifty rupees.

Cattle-trespass.

107. (1) The owner or person in charge of any cattle straying on a railway provided with fences suitable for the exclusion of cattle shall be punished with fine which may extend to five rupees for each head of cattle, in addition to any amount which may have been recovered or may be recoverable under the Cattle-trespass Act, 1871.

(2) If any cattle are wilfully driven, or knowingly permitted to be, on any railway otherwise than for the purpose of lawfully crossing the railway or for any other lawful purpose, the person in charge of the cattle, or, at the option of the railway administration, the owner of the cattle, shall be punished with fine which may extend to ten rupees for each head of cattle, in addition to any amount which may have been recovered or may be recoverable under the Cattle-pass Act, 1871.

Sections 108-110.

(3) Any fine imposed under this section may, if the Court so directs, be recovered in manner provided by section 25 of the Cattle-trespass Act, 1871.

(4) The expression "public road" in sections 11 and 26 of the Cattle-trespass Act, 1871, shall be deemed to include a railway, and any railway servant may exercise the powers conferred on officers of police by the former of those sections.

(5) The word "cattle" has the same meaning in this section as in the Cattle-trespass Act, 1871.

Maliciously wrecking or attempting to wreck a train.

108. If a person unlawfully—

(*a*) puts or throws upon or across any railway any wood, stone or other matter or thing, or

(*b*) takes up, removes, loosens or displaces any rail, sleeper or other matter or thing belonging to any railway, or

(*c*) turns, moves, unlocks or diverts any points or other machinery belonging to any railway, or

(*d*) makes or shows, or hides or removes, any signal or light upon or near to any railway, or

(*e*) does or causes to be done or attempts to do any other act or thing in relation to any railway,

with intent, or with knowledge that he is likely, to endanger the safety of any person travelling or being upon the railway, he shall be punished with transportion for life or with imprisonment for a term which may extend to ten years.

Maliciously wrting or attempting to hurt persons travelling by railway.

109. If a person unlawfully throws or causes to fall or strike at, against, into or upon any rolling-stock forming part of a train any wood, stone or other matter or thing with intent, or with knowledge that he is likely, to endanger the safety of any person being in or upon such rolling-stock or in or upon any other rolling-stock forming part of the same train, he shall be punished with transportation for life or with imprisonment for a term which may extend to ten years.

Endangering safety of persons travelling by wilful act or omission.

110. If a person, by any unlawful act or by any wilful omission or neglect, endangers or causes to be endangered the safety of any person travelling or being upon any railway, or obstructs or causes to be obstructed or attempts to obstruct any rolling-stock upon any railway, he shall be punished with imprisonment for a term which may extend to two years.

Sections 111-114.

Endangering safety of persons travelling by rash or negligent act or omission.

111. If a person rashly or negligently does any act, or omits to do what he is legally bound to do, and the act or omission is likely to endanger the safety of any person travelling or being upon a railway, he shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Special provision with respect to the commission by children of acts endangering safety of persons travelling by railway.

112. (1) If a minor under the age of twelve years is, with respect to any railway, guilty of any of the acts or omissions mentioned or referred to in any of the four last foregoing sections, he shall be deemed, notwithstanding anything in section 82 or section 83 of the Indian Penal Code, to have committed an offence, and the Court convicting him may, if it thinks fit, direct that the minor, if a male, shall be punished with whipping, or may require the father or guardian of the minor to excute, within such time as the Court may fix, a bond binding himself, in such penalty as the Court directs, to prevent the minor from being again guilty of any of those acts or omissions.

(2) The amount of the bond, if forfeited, shall be recoverable by the Court as if it were a fine imposed by itself.

(3) If a father or guardian fails to execute a bond under sub-section (1) within the time fixed by the Court, he shall be punished with fine which may extend to fifty rupees.

Procedure.

Arrest for offences against certain sections.

113. (1) If a person commits any offence mentioned in section 82, 83, 101, 102, 103, 108, 109, 110 or 111 or in section 112, sub-section (1), he may be arrested without warrant or other written authority by any railway servant or police officer, or by any other person whom such servant or officer may call to his aid.

(2) A person so arrested shall, with the least possible delay, be taken before a Magistrate having authority to try him or commit him for trial.

Arrest of persons likely to abscond or unknown.

114. (1) If a person commits any offence under this Regulation other than an offence mentioned in the last foregoing section, or fails or refuses to pay any excess charge or other sum demanded under section 95, and there is reason to believe that he will abscond, or his name and address are unknown, and he refuses on demand to give his name and address, or there is reason to believe that the

name or address given by him is incorrect, any railway servant or police-officer, or any other person whom such railway servant or police-officer may call to his aid, may, without warrant or other written authority, arrest him.

(2) The person arrested shall be released on his giving bail, or, if his true name and address are ascertained, on his executing a bond without sureties, for his appearance before a Magistrate when required.

(3) If the person cannot give bail and his true name and address are not ascertained, he shall with the least possible delay be taken before the nearest Magistrate having jursidiction.

(4) The provisions of Chapters XXXIX and XLII of the Code of Criminal Procedure, 1882, as introduced into Mysore by Regulation I of 1886* shall, so far as may be, apply to bail given and bonds executed under this section.

Magistrates having jurisdiction under Regulation.

115. No Magistrate other than a Magistrate whose powers are not less than those of a magistrate of the second class shall try any offence under this regulation.

Place of trial.

116. (1) Any person committing any offence against this Regulation or any rule thereunder, shall be triable for such offence in any place in which he may be or which the Government of His Highness the Maharaja may notify in this behalf, as well as in any other place in which he might be tried under any law for the time being in force.

(2) Every notification under sub-section (1) shall be published in the official Gazette, and a copy thereof shall be exhibited for the information of the public in some conspicuous place at each of such railway stations as the Government of His Highness the Maharaja may direct.

CHAPTER X.

SUPPLEMENTAL PROVISIONS.

Taxation of railways by local authorities.

117. Notwithstanding anything to the contrary in any enactment, or in any agreement or award based on any enactment, the following rules shall regulate the levy of taxes in respect of railways and from railway administrations in aid of the funds of local authorities, namely :—

(1) A railway administration shall not be liable to pay any tax in aid of the funds of any local authority

* See now Regulation II of 1904.

Section 118.

unless the Government of His Highness the Maharaja has, by notification in the official Gazette, declared the railway administration to be liable to pay the tax.

(2) While a notification of the Government of His Highness the Maharaja under clause (1) of this section is in force, the railway administration shall be liable to pay to the local authority either the tax mentioned in the notification or, in lieu thereof, such sum, if any, as an officer appointed in this behalf by the Government of His Highness the Maharaja may, having regard to all the circumstances of the case, from time to time determine to be fair and reasonable.

(3) The Government of His Highnees the Maharaja may at any time revoke or vary a notification under clause (1) of this section.

(4) Nothing in this section is to be construed as debarring any railway administration from entering into a contract with any local authority for the supply of water or light, or for the scavenging of railway premises, or for any other service which the local authority may be rendering or be prepared to render within any part of the local area under its control.

(5) "Local authority" in this section means a Municipal Committee, District Board or other authority legally entitled to, or entrusted by the Government of His Highness the Maharaja with the control or management of a municipal or local fund, and includes any authority legally entitled to or entrusted with the control or management of any fund for the maintenance of watchmen or for the conservancy of a river.

Restriction on execution against railway property.

118. (1) None of the rolling-stock, machinery, plant tools, fittings, materials or effects used or provided by a railway administration for the purpose of the traffic on its railway, or of its stations or workshops, shall be liable to be taken in execution of any decree or order of any Court* or of any local authority or person having by law power to attach or distrain property or otherwise cause property to be taken in execution * without the previous sanction of the Government of His Highness the Maharaja.

(2) Nothing in sub-section (1) is to be construed as affecting the authority of any court to attach the earnings of a railway in execution of a decree or order.

[*-*] Added by Section 3 of regulation X of 1919.

Sections 119-121.

119. (1) Every railway servant shall be deemed to be a public servant for the purposes of Chapter IX of the Indian Penal Code.

Railway servants to be public servants for the purposes of Chapter IX of the Indian Penal Code.

(2) In the definition of "legal remuneration" in section 161 of that Code, the word "Government" shall, for the purposes of sub-section (1), be deemed to include any employer of a railway servant as such.

(3) A railway servant shall not—

(*a*) purchase or bid for, either in person or by agent, in his own name or in that of another, or jointly or in shares with others, any property put up to auction under section 39 or section 40, or,

(*b*) in contravention of any direction of the railway administration in this behalf, engage in trade.

Procedure for summary delivery to railway administration of property detained by a railway servant.

(4) Notwithstanding anything in section 21 of the Indian penal Code, a railway servant shall not be deemed to be a public servant for any of the purposes of that Code except those mentioned in sub-section (1).

120. If a railway servant is discharged or suspended from his office, or dies, absconds or absents himself, and he or his wife or widow, or any of his family or representatives, refuses or neglects, after notice in writing for that purpose, to deliver up to the railway administration, or to a person appointed by the railway administration in this behalf, any station, dwelling-house, office or other building with its appurtenances, or any books, papers or other matters, belonging to the railway administration and in the possession or custody of such railway servant at the occurrence of any such event as aforesaid, any Magistrate of the first class may, on application made by or on behalf of the railway administration, order any police-officer, with proper assistance, to enter upon the building and remove any person found therein and take possession thereof, or to take possession of the books, papers or other matters, and to deliver the same to the railway administration or a person appointed by the railway administration in that behalf.

Mode of signifying communications from the Government of His Highness the Maharaja.

121 Any notice, determination, direction, requisition, appointment, expression of opinion, approval or sanction to be given or signified on the part of the Government of His Highness the Maharaja, for any of the purposes of, or in relation to, this Regulation or any of

the powers or provisions therein contained, shall be sufficient and binding if in writing signed by a Secretary, Deputy Secretary, Under-Secretary or Assistant Secretary to the Government of His Highness the Maharaja, or by any other officer or servant authorized to act on behalf of the Government of His Highness the Maharaja in respect of the matters to which the same may relate, and the Government of His Highness the Maharaja shall not in any case be bound in respect of any of the matters aforesaid unless by some writing signed in manner aforesaid.

Service of notices on railway administrations.

122. Any notice or other document required or authorized by this Regulation to be served on a railway administration may be served, in the case of a railway administered by the Government of His Highness the Maharaja, on the Manager and, in the case of a railway administered by a railway company, on the Agent in India of the railway company—

(*a*) by delivering the notice or other document to the Manager or Agent, or

(*b*) by leaving it at his office, or

(*c*) by forwarding it by post in a prepaid letter addressed to the Manager or Agent at his office and registered under Part III of the Indian Post Office Act, 1866. *

Service of notices by railway administrations.

123. Any notice or other document required or authorized by this Regulation to be served on any person by a railway administration may be served—

(*a*) by delivering it to the person, or

(*b*) by leaving it at the usual or last known place of abode of the person, or

(*c*) by forwarding it by post in a prepaid letter addressed to the person at his usual or last known place of abode and registered under Part III of the Indian Post Office Act, 1866.*

Presumption where notice is served by post.

124. Where a notice or other document is served by post, it shall be deemed to have been served at the time when the letter containing it would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice or other document was properly addressed and registered.

* See now the Indian Post Office Act, VI of 1898.

Sections 125-129.

Provisions with respect to rules.

125. (1) A rule under section 22 or section 67, or the cancellation, rescission or variation of a rule under any of those sections or under section 31, sub-section (4), shall not take effect until it has been published in the official Gazette.

(2) Where any rule made under this Regulation, or the cancellation, rescission or variation of any such rule, is required by this Regulation to be published in the official Gazette, it shall, besides being so published, be further notified to persons affected thereby in such manner as the Government of His Highness the Maharaja, by general or special order, directs.

(3) The Government of His Highness the Maharaja may cancel or vary any rule made by it under this Regulation.

Representation of Managers and Agents of Railways in Courts.

126. (1) The manager of a railway administered by the Government of His Highness the Maharaja and the Agent in India of a railway administered by a railway company, may, by instrument in writing, authorise any railway servant or other person to act for or represent him in any proceeding before any Civil, Criminal or other Court.

(2) A person authorized by a Manager or Agent to conduct prosecutions on behalf of a railway administration shall, notwithstanding anything in section 495 of the Code of Criminal Procedure, 1882, as introduced into Mysore by Regulation I of 1886,* be entitled to conduct such prosecutions without the permission of the magistrate.

Power to extend Regulation to steam-tramways.

127. The Government of His Highness the Maharaja may, by notification in the official Gazette, extend this Regulation or any portion thereof to any tramway worked by steam or other mechanical power.

Power to exempt railways from Regulation.

128. The Government of His Highness the Maharaja may, by a like notificatian, exempt any railway from any of the provisions of this Regulation.

Matters supplemental to the definitions of "railway" and railway servant."

129. (1) For the purposes of section 3, clauses (5), (6), (7) and sections 4 to 19 (both inclusive), 31 to 36 (both inclusive), 43, 63, 66 to 74 (both inclusive), 78, 79, 80, 82, 83, 85, 86, 89, 93, 104, 106 to 114 (both inclusive), 116 to 120 (both inclusive), 122, 123, 126 and 128, the

* See now Regulation II of 1904.

Section 130.

word "railway," whether it occurs alone or as a prefix to another word, has reference to a railway or portion of a railway under construction and to a railway or portion of a railway not used for the public carriage of passengers, animals or goods as well as to a railway falling within the definition of that word in section 3, clause (4).

(2) For the purposes of sections 5, 21, 66, 82, 83, 85, 86, 103, 104, 107 and 119, sub-sections (1), (2) and (4), and section 120, the expression "railway servant" includes a person employed upon a railway in connection with the service thereof by a person fulfilling a contract with the railway administration.

Amendment of the Indian Penal Code.

130. In sections 194 and 195 of the Indian Penal Code, after the words "by this Code" insert the words "or any other law for the time being in force in the territories of Mysore."

SCHEDULE.

ARTICLES TO BE DECLARED AND INSURED.

(*See Section* 59.)

(*a*) Gold and silver, coined or uncoined, manufactured or unmanufactured;

(*b*) plated articles;

(*c*) cloths and tissue and lace of which gold or silver forms part, not being the uniform or part of the uniform of an officer, soldier sailor, police—officer or person enrolled as a Volunteer under the Indian Volunteers Act, 1869, or of any public officer, British* or foreign, entitled to wear uniform;

(*d*) pearls, precious stones, jewellery and trinkets;

(*e*) watches, clocks, and timepieces of any description.

(*f*) Government securities;

(*g*) Government stamps;

(*h*) bills of exchange, hundis, promissory-notes, bank-notes and orders or other securities for payment of money;

(*i*) maps, writings and title-deeds;

(*j*) paintings, engravings, lithographs, photographs, carvings, sculpture and other works of art;

(*k*) art pottery and all articles made of glass, China or marble;

* *Sic*; should be "Mysore."

Schedule.

(*l*) silks in a manufactured or unmanufactured state and whether wrought up or not wrought up with other materials;

(*m*) shawls;

(*n*) lace and furs;

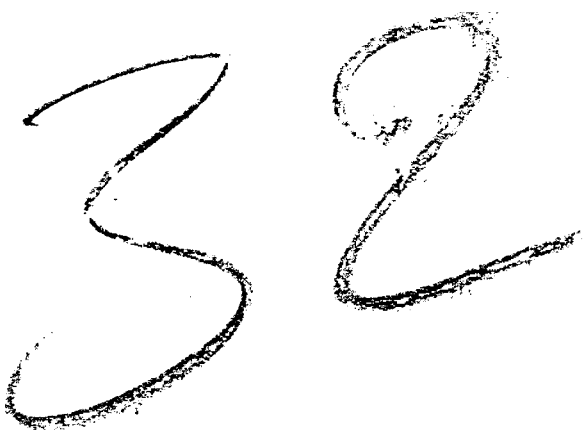
(*o*) opium;

(*p*) ivory, ebony, coral and sandalwood;

(*q*) musk, sandalwood-oil and other essential oils used in the preparation of *itr* or other perfume;

(*r*) musical and scientific instrument;

(*s*) any article of special value which the Government of His Highness the Maharaja may, by notification in the official Gazette, add to this schedule.



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Proof for Approval

3-10-42

ACT No. IV OF 1894.

(PASSED ON THE 13TH DAY OF APRIL 1894.)

An Act to consolidate, amend and add to the law relating to Railways in the Territories of Mysore.

(*Amended by Act X of 1919 and Act XIV of 1942.*)

Price 0- -0

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ACT No. IV OF 1894.

The Mysore Railways Act.

(Amended by Act X of 1919 and Act XIV of 1942).

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SCHEDULE.—ARTICLES TO BE DECLARED AND INSURED.

ACT No. IV OF 1894.

(PASSED ON THE 13TH DAY OF APRIL 1894.)

An Act to consolidate, amend and add to the law relating to Railways in the territories of Mysore.

(*Amended by Act X of* 1919 *and Act XIV of* 1942.)

WHEREAS it is expedient to consolidate, amend and add to the law relating to Railways in the territories of Mysore; His Highness the Maharaja is pleased to enact as follows :—

CHAPTER I.

PRELIMINARY.

Title, extent and commencement.

1. (1) This Act may be called "The Mysore Railways Act, 1894."

(2) It extends to the whole of the territories of Mysore; and

(3) It shall come into force on the first day of May 1894.

Repeal.

2. (1) On and from that day, Act IV of 1879 (The Indian Railways Act, 1879) is repealed.

(2) But all rules, declarations and appointments made, sanctions and directions given, forms approved, powers conferred, and notifications published under the said Act IV of 1879 shall, so far as they are consistent with this Act, be deemd to have been respectively made, given, approved, conferred and published under this Act.

(3) Any enactment or document referring to the said Act IV of 1879 shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(1) "tramway" means a tramway constructed under the Mysore Tramways Act, 1906, or any special law relating to tramways :

(2) "ferry" includes a bridge of boats, pontoons or rafts, a swing-bridge, a flying bridge and a temporary bridge, and the approaches to, and landing places of, a ferry :

(3) "inland" means any canal, river, lake or navigable water in the territories of Mysore:

(4) "railway" means a railway, or any portion of a railway, for the public carriage of passengers, animals or goods, and includes—

(*a*) all land within the fences or other boundary-marks indicating the limits of the land appurtenant to a railway;

(*b*) all lines of rails, sidings or branches worked over for the purposes of, or in connection with, a railway;

(*c*) all stations, offices, warehouses, workshops, manufactories, fixed plant and machinery and other works constructed for the purposes of, or in connection with, a railway; and

(*d*) all ferries, boats and rafts which are used on inland waters for the purposes of the traffic of a railway and belong to or are hired or worked by the authority administering the railway:

(5) "railway company" includes any persons, whether incorporated or not, who are owners or lessees of a railway or parties to an agreement for working a railway:

(6) "railway administration" or "administration," in the case of a railway administered by the Government of His Highness the Maharaja, means the Manager of the railway and includes the Government of His Highness the Maharaja, and, in the case of a railway administered by a railway company, means the railway company:

(7) "railway servant" means any person employed by a railway administration in connection with the service of a railway:

(8) "Inspector" means an Inspector of Railways appointed under this Act:

(9) "goods" includes inanimate things of every kind:

(10) "rolling-stock" includes locomotive engines tenders, carriages, waggons, trucks and trollies of all kinds:

(11) "traffic" includes rolling-stock of every description as well as passengers, animals and goods:

(12) "through traffic" means traffic which is carried over the railways of two or more railway administrations:

(13) "rate" includes any fare, charge or other payment for the carriage of any passenger, animal or goods:

(14) "terminals" includes charges in respect of stations, sidings, depots, warehouses, cranes and other similar matters and of any services rendered thereat:

(15) "pass" means an authority given by a railway administration, or by an officer appointed by a railway administration in this behalf, and authorising the person to whom it is given to travel as a passenger on a railway gratuitously:

(16) "ticket" includes a single ticket, a return ticket and a season ticket:

(17) "maund" means a weight of three thousand two hundred tolas, each tola being a weight of one hundred and eighty grains Troy: and

(18) "Deputy Commissioner" means the chief officer in charge of the land revenue administration of a district, and includes any officer specially appointed by the Government of His Highness the Maharaja to discharge the functions of a Deputy Commissioner under this Act.

CHAPTER II.

INSPECTION OF RAILWAYS.

Appointment and duties of Inspectors.

4. (1) The Government of His Highness the Maharaja may appoint persons, by name or by virtue of their office, to be Inspectors of Railways.

(2) The duties of an Inspector of Railways shall be—

(*a*) to inspect railways with a view to determine whether they are fit to be opened for the public carriage of passengers, and to report thereon to the Government of His Highness the Maharaja as required by this Act;

(*b*) to make such periodical or other inspections of any railway or of any rolling-stock used thereon as the Government of His Highness the Maharaja may direct;

(*c*) to make inquiry under this Act into the cause of any accident on a railway;

(*d*) to perform such other duties as are imposed on him by this Act or any other enactment for the time being in force relating to railways.

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Powers of Inspectors.

5. An Inspector shall, for the purpose of any of the duties which he is required or authorised to perform under this Act, be deemed to be a public servant within the meaning of the Indian Penal Code, and, subject to the control of the Government of His Highness the Maharaja, shall for that purpose have the following powers, namely:—

(*a*) to enter upon and inspect any railway or any rolling-stock used thereon;

(*b*) by an order in writing under his hand addressed to the railway administration, to require the attendance before him of any railway servant, and to require answers or returns to such inquiries as he thinks fit to make from such railway servant or from the railway administration;

(*c*) to require the production of any book or document belonging to or in the possession or control of any railway administration (except a communication between a railway company and its legal advisers) which it appears to him to be necessary to inspect.

Facilites to be afforded to Inspectors.

6. A railway administration shall afford to the Inspector all reasonable facilities for performing the duties and exercising the powers imposed and conferred upon him by this Act.

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WORKS.

Authority of railway administration to execute all necessary works.

7. (1) Subject to the provisions of this Act and, in the case of immoveable property not belonging to the railway administration, to the provisions of any enactment for the time being in force for the acquisition of land for public purposes and for companies, and subject also, in the case of a railway company, to the provisions of any contract between the company and the Government of His Highness the Maharaja, a railway administration may, for the purpose of constructing a railway or the accommodation or other works connected therewith, and notwithstanding anything in any other enactment for the time being in force,—

(*a*) make or construct in, upon, across, under or over any lands, or any streets, hills, valleys, roads, railways

or tramways, or any rivers, canals, brooks, streams or other waters, or any drains, water-pipes, gas-pipes or telegraph lines, such temporary or permanent inclined planes, arches, tunnels, culverts, embankments, aqueducts, bridges, roads, *lines of railways,* ways, passages, conduits, drains, cuttings and fences as the railway administration thinks proper;

(*b*) alter the course of any rivers, brooks, streams or water-courses, for the purpose of constructing and maintaining tunnels, bridges, passages or other works over or under them, and divert or alter, as well temporarily as permanently, the course of any rivers, brooks, streams or water-courses or any roads, streets or ways, or raise or sink the level thereof, in order the more conveniently to carry them over or under or by the side of the railway, as the railway administration thinks proper;

(*c*) make drains or conduits into through, or under any lands adjoining the railway for the purpose of conveying water from or to the railway;

(*d*) erect and construct such houses, warehouses, offices and other buildings and such yards, stations, engines, machinery, apparatus and other works and conveniences as the railway administration thinks proper;

(*e*) alter, repair or discontinue such buildings, works and conveniences as aforesaid or any of them, and substitute others in their stead; and

(*f*) do all other acts necessary for making, maintaining, altering or repairing and using the railway.

(2) The exercise of the powers conferred on a railway administration by sub-section (1) shall be subject to the control of the Government of His Highnes the Maharaja.

Alteration of pipes, wires and drains.

8. A railway administration may, for the purpose of exercising the powers conferred upon it by this Act, alter the position of any pipe for the supply of gas, water or compressed air or the position of any electric wire or any drain not being a main drain;

Provided that—

(*a*) when a railway administration desires to alter the position of any such pipe, wire or drain, it shall give reasonable notice of its intention to do so, and of the time

* Inserted by Section 2 of Act X of 1919.

at which it will begin to do so, to the local authority or company having control over the pipe, wire or drain, or, when the pipe, wire or drain is not under the control of a local authority or company, to the person under whose control the pipe, wire or drain is;

(*b*) a local authority, company or person receiving notice under proviso (*a*) may send a person to superintend the work, and the railway administration shall execute the work to the reasonable satisfaction of the person so sent and shall make arrangements for continuing during the execution of the work the supply of gas, water, compressed air or electricity or the maintenance of the drinage, as the case may be.

Temporary entry upon land for repairing or preventing accident.

9. (1) The Government of His Highness the Maharaja may authorise any railway administration, in case of any slip or other accident happening or being apprehended to any cutting, embankment or other work under the control of the railway administration, to enter upon any lands adjoining its railway for the purpose of repairing or preventing the accident, and to do all such works as may be necessary for the purpose.

(2) In case of necessity the railway administration may enter upon the lands and the works aforesaid without having obtained the previous sanction of the Government of His Highness the Maharaja, but in such a case shall, within seventy-two hours after such entry, make a report of that Government, specifying the nature of the accident, or apprehended accident and of the works necessary to be done, and the power conferred on the railway administration by this sub-section shall cease and determine if the Government of His Highness the Maharaja, after considering the report, consider that the exercise of the power is not necessary for the public safety.

Payment of compensation for damage caused by lawful exercise of powers under section 7, 8 or 9.

10. (1) A railway administration shall do as little damage as possible in the exercise of the powers conferred by any of the three last foregoing sections, and compensation shall be paid for any damage caused by the exercise thereof.

*(2) A suit shall not lie to recover such compensation, but in case of dispute the amount thereof, shall, on application to the Deputy Commissioner, be determined

*Substituted for the Original by Section 8 of Act X of 1919.

and paid in accordance, so far as may be, with the provisions of sections 11 to 15, both inclusive, sections 18 to 34, both inclusive and sections 53 and 54 of the Mysore Land Acquisition Act, 1894, and the provisions of sections 51 and 52 of that Act shall apply to the award of compensation.

Accommodation works.

11. (1) A railway administration shall make and maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway, namely:—

(*a*) such and so many convenient crossings, bridges, arches, culverts and passages over, under or by the sides of, or leading to or from the railway as may, in the opinion of the Government of His Highness the Maharaja, be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway is made, and

(*b*) all necessary arches, tunnels, culverts, drains, water-courses or other passages over or under or by the sides of the railway, of such dimensions as will, in the opinion of the Government of His Highness the Maharaja, be sufficient at all times to convey water as freely from or to the lands lying near or affected by the railway as before the making of the railway, or as nearly so as may be.

(2) Subject to the other provisions of this Act, the works specified in clauses (*a*) and (*b*) of sub-section (1) shall be made during or immediately after the laying out or formation of the railway over the lands traversed thereby and in such manner as to cause as little damage or inconvenience as possible to persons interested in the lands or affected by the works.

(3) The foregoing provisions of this section are subject to the following provisos, namely:—

(*a*) a railway administration shall not be required to make any accommodation works in such a manner as would prevent or obstruct the working or using of the railway, or to make any accommodation works with respect to which the owners and occupiers of the lands have agreed to receive and have been paid compensation in consideration of their not requiring the works to be made;

(*b*) save as hereinafter in this chapter provided, a railway administration shall not, except on the requisition

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Sections 12-13

of the Government of His Highness the Maharaja, be compelled to defray the cost of executing any further or additional accommodation works for the use of the owners or occupiers of the lands after the expiration of ten years from the date on which the railway passing through the lands was first opened for public traffic;

(c) where a railway administration has provided suitable accommodation for the crossing of a road or stream, and the road or stream is afterwards diverted by the act or neglect of the person having the control thereof, the administration shall not be compelled to provide other accommodation for the crossing of the road or stream.

(4) The Government of His Highness the Maharaja may appoint a time for the commencement of any work to be executed under sub-section (1), and if for fourteen days next after that time the railway administration fails to commence the work or, having commenced it, fails to proceed diligently to execute it in a sufficient manner, the Government of His Highness the Maharaja may execute it and recover from the railway administration the cost incurred by it in the execution thereof.

Power for owner, occupier or local authority to cause additional accommodation works to be made.

12. If an owner or occupier of any land affected by a railway considers the works made under the last foregoing section to be insufficient for the commodious use of the land, or if the Government of His Highness the Maharaja or local authority desires to construct a public road or other work across, under or over a railway, he or it, as the case may be, may at any time require the railway administration to make at his or its expense such further accommodation works as he or it thinks necessary and are agreed to by the railway administration or as, in case of difference of opinion, may be authorised by the Government of His Highness the Maharaja.

Fences, screens, gates and bars.

13. The Government of His Highness the Maharaja may require that, within a time to be specified in the requisition or within such further time as it may appoint in this behalf,—

(a) boundary-marks or fences be provided or renewed by a railway administration for a railway or any part thereof and for roads constructed in connection therewith;

(b) any works in the nature of a screen near to or adjoining the side of any public road constructed before

the making of a railway be provided or renewed by a railway administration for the purpose of preventing danger to passengers on the road by reason of horses or other animals being frightened by the sight or noise of the rolling-stock moving on the railway;

(*c*) suitable gates, chains, bars, stiles or hand-rails be erected or renewed by a railway administration at places where a railway crosses a public road on the level;

(*d*) persons be employed by a railway administration to open and shut such gates, chains or bars.

Over and under bridges.

14. (1) Where a railway administration has constructed a railway across a public road on the level, the Government of His Highness the Maharaja may at any time, if it appears to it necessary for the public safety, require the railway administration, within such time as it thinks fit, to carry the road either under or over the railway by means of a bridge or arch, with convenient ascents and descents and other convenient approaches, instead of crossing the road on the level, or to execute such other works as, in the circumstances of the case, may appear to the Government of His Highness the Maharaja to be best adapted for removing or diminishing the danger arising from the level-crossing.

(2) The Government of His Highness the Maharaja may require, as a condition of making a requisition under sub-section (1), that the local authority, if any, which maintains the road shall undertake to pay the whole of the cost to the railway administration of complying with the requisition or such portion of the cost as that Government thinks just.

Removal of trees dangerous to or obstructing the working of a railway.

15. (1) In either of the following cases, namely:—

(*a*) where there is danger that a tree standing near a railway may fall on the railway so as to obstruct traffic,

(*b*) when a tree obstructs the view of any fixed signal,

the railway administration may, with the permission of any Magistrate, fell the tree or deal with it in such other manner as will in the opinion of the railway administration avert the danger or remove the obstruction, as the case may be.

Sections 16-18.

(2) In case of emergency the power mentioned in sub-section (1) may be exercised by a railway administration without the permission of a Magistrate.

(3) Where a tree felled or otherwise delt with under sub-section (1) or sub-section (2) was in existence before the railway was constructed or the signal was fixed, any Magistrate may, upon the application of the persons interested in the tree, award to those persons such compensation as he thinks reasonable.

(4) Such an award, subject, where made by any Magistrate other than the District Magistrate, to revision by the District Magistrate, shall be final.

(5) A Civil Court shall not entertain a suit to recover compensation for any tree felled or otherwise dealt with under this section.

CHAPTER IV.

OPENING OF RAILWAYS

Right to use locomotives.

16. (1) A railway administration may, with the previous sanction of the Government of His Highness the Maharaja, use upon a railway locomotive engines or other motive power, and rolling-stock to be drawn or propelled thereby.

(2) But rolling-stock shall not be moved upon a railway by steam or other motive power until such general rules for the railway as may be deemed to be necessary have been made, sanctioned and published under this Act.

Notice of intended opening of a railway.

17. (1) Subject to the provisions of sub-section (2), a railway administration shall, one month at least before it intends to open any railway for the public carriage of passengers, give to the Government of His Highness the Maharaja notice in writing of its intention.

(2) The Government of His Highness the Maharaja may in any case, if it thinks fit, reduce the period of, or dispense with, the notice mentioned in sub-section (1).

Sanction of the Government a condition precedent to the opening of a railway.

18. A railway shall not be opened for the public carriage of passengers until the Government of His Highness the Maharaja or an Inspector empowered by the Government in Council in this behalf, has by order sanctioned the opening thereof for that purpose.

Section 19.

Precedure in sanctioning the opening of a railway.

19. (1) The sanction of the Government of His Highness the Maharaja under the last foregoing section shall not be given until an Inspector has, after inspection of the railway, reported in writing to that Government—

(*a*) that he has made a careful inspection of the railway and rolling-stock;

(*b*) that the moving and fixed dimensions prescribed by the Government of His Highness the Maharaja have not been infringed;

(*c*) that the weight of rails, strength of bridges, general structural character of the works, and the size of and maximum gross load upon the axles of any rolling-stock are such as have been prescribed by the Government of His Highness the Maharaja;

(*d*) that the railway is sufficiently supplied with rolling-stock;

(*e*) that general rules for the working of the railway when opened for the public carriage of passengers have been made, sanctioned and published under this Act; and

(*f*) that, in his opinion, the railway can be opened for the public carriage of passengers without danger to the public using it.

(2) If in the opinion of the Inspector the railway cannot be so opened without danger to the public using it, he shall state that opinion together with the grounds therefor to the Government of His Highness the Maharaja and that Government may thereupon order the railway administration to postpone the opening of the railway.

(3) An order under the last foregoing sub-section must setforth the requirements to be complied with as a condition precedent to the opening of the railway being sanctioned, and shall direct the postponement of the opening of the railway until those requirements have been complied with or the Government of His Highness the Maharaja is otherwise satisfied that the railway can be opened without danger to the public using it.

(4) The sanction given under this section may be either absolute or subject to such conditions as the Government of His Highness the Maharaja thinks necessary for the safety of the public.

(5) When sanction for the opening of a railway is given subject to conditions and the railway administration

fails to fulfil those conditions, the sanction shall be deemed to be void and the railway shall not be worked or used until the conditions are fulfilled to the satisfaction of the Government of His Highness the Maharaja.

Application of the provisions of the three last foregoing sections to material alterations of a railway.

20. (1) The provisions of sections 17, 18 and 19 with respect to the opening of a railway shall extend to the opening of the works mentioned in sub-section (2) when those works form part of, or are directly connected with, a railway used for the public carriage of passengers and have been constructed after the inspection which preceded the first opening of the railway.

(2) The works referred to in sub-section (1) are additional lines of railway, deviation lines, stations, junctions and crossings on the level, and any alteration or reconstruction materially affecting the structural character of any work to which the provisions of sections 17, 18 and 19 apply or are extended by this section.

Exceptional provision.

21. When an accident has occurred resulting in a temporary suspension of traffic, and either the original line and works have been rapidly restored to their original staandard, or a temporary diversion has been laid for the purpose of restoring communication, the original line and works so restored, or the temporary diversion, as the case may be, may in the absence of the Inspector, be opened for the public carriage of passengers, subject to the following conditions, namely:—

(*a*) that the railway servant in charge of the works undertaken by reason of the accidents has certified in writing that the opening of the restored line and works or of the temporary diversion, will not in his opinion be attended with danger to the public using the line and works or the diversion; and

(*b*) that notice by telegraph of the opening of the line and works or the diversion shall be sent, as soon as may be, to the Inspector appointed for the railway.

Power to make rules with respect to the opening of railways.

22. The Government of His Highness the Maharaja may make rules defining the cases in which, and in those cases the extent to which, the procedure prescribed in sections 17 to 20 (both inclusive), may be dispensed with.

Power to close an opened railway.

23. (1) When, after inspecting any open railway used for the public carriage of passengers, or any rolling-stock used thereon, an Inspector is of opinion that the use

of the railway or of any specified rolling-stock will be attended with danger to the public using it, he shall state that opinion, together with the grounds therefor, to the Government of His Highness the Maharaja, and that Government may thereupon order that the railway be closed for the public carriage of passengers, or that the use of the rolling-stock so specified be discontinued, or that the railway or the rolling-stock so specified be used for the public carriage of passengers on such conditions only as the Government of His Highness the Maharaja may consider necessary for the safety of the public.

(2) An order under sub-section (1) must set forth the grounds on which it is founded.

Re-opening of a closed railway.

24. (1) When a railway has been closed under the last foregoing section, it shall not be re-opened for the public carriage of passengers until it has been inspected, and its re-opening sanctioned, in accordance with the provisions of this Act.

(2) When the Government of His Highness the Maharaja has ordered under the last foregoing section that the use of any specified rolling-stock be discontinued, that rolling-stock shall not be used until an Inspector has reported that it is fit for use and the Government of His Highness the Maharaja has sanctioned its use.

(3) When the Government of His Highness the Maharaja has imposed under the last foregoing section any conditions with respect to the use of any railway or rolling-stock, those conditions shall be observed until they are withdrawn by that Government.

Deligation of powers under this chapter to Inspectors.

25. (1) The Government of His Highness the Maharaja may, by general or special order, authorize the discharge of any of its functions under this chapter by an Inspector, and may cancel any sanction or order given by an Inspector discharging any such function or attach thereto any condition which that Government might have imposed if the sanction or order had been given by itself.

(2) A condition imposed under sub-section (1) shall, for all the purposes of this Act, have the same effect as if it were attached to a sanction or order given by the Government of His Highness the Maharaja.

CHAPTER V.

TRAFFIC FACILITIES.

Duty of railway administrations to arrange for receiving and forwarding traffic without unreasonable delay and without partiality.

26. (1) Every railway administration shall, according to its powers, afford all reasonable facilities for the receiving, forwarding and delivering of traffic upon and from the several railways belonging to or worked by it and for the return of rolling-stock.

(2) A railway administration shall not make or give any undue or unreasonable preference or advantage to or in favour of any particular person or railway administration, or any particular description of traffic, in any respect whatsoever, or subject any particular person or railway administration or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(3) A railway administration having or working railways which form part of a continuous line of railway communication, or having its terminus or station within one mile of the terminus or station of another railway administration, shall afford all due and reasonable facilities for receiving and forwarding by one of such railways all the traffic arriving by the other at such terminus or station, without any unreasonable delay, and without any such preference or advantage or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation may by means of such railways be at all times afforded to the public in that behalf.

(4) The facilities to be afforded under this section shall include the due and reasonable receiving, forwarding and delivering by every railway administration, at the request of any other railway administration, of through traffic to and from the railway of any other railway administration at through rates:

Provided as follows:—

(*a*) the railway administration requiring the traffic to be forwarded shall give written notice of the proposed through rate to each forwarding railway administration, stating both its amount and its apportionment and the

route by which the traffic is proposed to be forwarded. The proposed through rate for animals or goods may be per truck or per maund;

(*b*) each forwarding railway administration shall, within the prescribed period after the receipt of such notice, by written notice inform the railway administration requiring the traffic to be forwarded, whether it agrees to the rate, apportionment and route, and, if it has any objection, what the grounds of the objection are;

(*c*) if at the expiration of the prescribed period no such objection has been sent by any forwarding railway administration, the rate shall come into operation at the expiration of that period;

(*d*) if an objection to the rate, apportionment or route has been sent within the prescribed period, the same shall be considered and decided by the Government of His Highness the Maharaja;

(*e*) if the objection is to the granting of the rate or to the route, the Government of His Highness the Maharaja shall consider whether the granting of the rate is a due and reasonable facility in the interest of the public, and whether, regard being had to the circumstances, the route proposed is a reasonable route, and shall allow or refuse the rate accordingly or fix such other rate as may seem to that Government to be just and reasonable;

(*f*) if the objection is only to the apportionment of the rate, the rate shall come into operation at the expiration of the prescribed period, but the decision of the Government of His Highness the Maharaja as to its apportionment shall be retrospective; in the case of any other objection, the operation of the rate shall be suspended until that Government makes its order in the case:

(*g*) the Government of His Highness the Maharaja in apportioning the through rate shall take into consideration all the circumstances of the case, including any special expense incurred in respect of the construction, maintenance or working of the route or any part of the route, as well as any special charge which any railway administration is entitled to make in respect thereof;

(*h*) the Government of His Highness the Maharaja shall not in any case compel any railway administration to accept lower mileage rates than the mileage rate which

the administration may for the time being legally be charging for like traffic carried by a like mode of transit on any other line of communication between the same points, being the points of departure and arrival of the through route.

(*i*) subject to the foregoing provisions of this sub-section, the Government of His Highness the Maharaja shall have full power to decide that any proposed through rate is due and reasonable, notwithstanding that a less amount may be allotted to any forwarding railway administration out of the through rate than the maximum rate which the railway administration is entitled to charge, and to allow and apportion the through rate accordingly;

(*j*) the prescribed period mentioned in this sub-section shall be one month, or such longer period as the Government of His Highness the Maharaja may by general or special order prescribe.

Undue preference in case of unequal rates for like traffic or services.

27. (1) Whenever it is shown that a railway administration charges one trader or class of traders or the traders in any local are a lower rates for the same or similar animals or goods, or lower rates for the same or similar services, than it charges to other traders or classes of traders, or to the traders in another local area, the burden of proving that such lower charge does not amount to an undue preference shall lie on the railway administration.

(2) In deciding whether a lower charge does or does not amount to an undue preference, the Government of His Highness the Maharaja may, so far as it thinks reasonable, in addition to any other considerations affecting the case, take into consideration whether such lower charge is necessary for the purpose of securing, in the interests of the public, the traffic in respect of which it is made.

Provision for facilities and equal treatment where boats are used which are not part of a railway.

28. Where a railway administration is a party to an agreement for procuring the traffic of the railway to be carried on any inland water by any ferry, boat or raft which does not belong to or is not hired or worked by the railway administration, the provisions of the two last foregoing sections applicable to a railway shall extend to the ferry, boat or raft in so far as it is used for the purposes of the traffic of the railway.

Terminals.

29. A railway administration may charge reasonable terminals.

Sections 30-31.

Power of Government to fix terminals.

30. (1) Any question or dispute which may arise with respect to the terminals charged by a railway administration, shall be considered by the Government of His Highness the Maharaja, which shall decide what is a reasonable sum to be paid to the railway administration in respect of terminals.

(2) In deciding the question or dispute, the Government of His Highness the Maharaja shall have regard only to the expenditure reasonably necessary to provide the accommodation in respect of which the terminals are charged, irrespective of the outlay which may have been actually incurred by the railway administration in providing that accommodation.

CHAPTER VI.

WORKING OF RAILWAYS.

General.

General rules.

31. (1) Every railway company, and, in the case of a railway administered by the Government of His Highness the Maharaja, an officer to be appointed by that Government in this behalf, shall make general rules consistent with this Act for the following purposes, namely:—

(*a*) for regulating the mode in which, and the speed at which, rolling-stock used on the railway is to be moved or propelled;

(*b*) for providing for the accommodation and convenience of passengers and regulating the carriage of their luggage;

(*c*) for declaring what shall be deemed to be, for the purposes of this Act, dangerous or offensive goods, and for regulating the carriage of such goods;

(*d*) for regulating the conditions on which the railway administration will carry passengers suffering from infectious or contagious disorders, and providing for the disinfection of carriages which have been used by such passengers;

(*e*) for regulating the conduct of the railway servants;

(*f*) for regulating the terms and conditions on which the railway administration will warehouse or retain goods at any station on behalf of the consignee or owner; and

(*g*) generally, for regulating the travelling upon, and the use, working and management of, the railway.

(2) The rules may provide that any person committing a breach of any of them shall be punished with fine which may extend to any sum not exceeding fifty rupees, and that, in the case of a rule made under clause (*e*) of sub-section (1), the railway servant shall forfeit a sum not exceeding one month's pay, which sum may be deducted by the railway administration from his pay.

(3) A rule made under this section shall not take effect until it has received the sanction of the Government of His Highness the Maharaja and been published in the official Gazette.

Provided that, where the rule is in the terms of a rule which has already been published at length in the official Gazette, a notification in a Gazette referring to the rule already published and announcing the adoption thereof shall be deemed a publication of a rule in the official Gazette within the meaning of this sub-section.

(4) The Government of His Highness the Maharaja may cancel any rule made under this section, and the authority required by sub-section (1) to make rules thereunder may at any time, with the previous sanction of that Government, rescind or vary any such rule.

(5) Every rule purporting to have been made for any railway under section 8 of the Indian Railway Act, 1879, and appearing from the official Gazette to be intended to apply to the railway at the commencement of this Act, shall, notwithstanding any irregularity in the making or publication of the rule, be deemed to have been made and to have taken effect under this section.

(6) Every railway administration shall keep at each station on its railway a copy of the general rules for the time being in force under this section on the railway, and shall allow any person to inspect it free of charge at all reasonable times.

Disposal of differences between railways regarding conduct of joint traffic.

32. Where two or more railway administrations whose railways have a common terminus or a portion of the same line of rails in common, or form separate portions of one continued line of railway communication, are not able to agree upon arrangements for conducting at such common terminus, or at the point of junction between them, their joint traffic with safety to the public, the

Government of His Highness the Maharaja, upon the application of either or any of the administrations, may decide the matters in dispute between them, so far as those matters relate to the safety of the public, and may determine whether the whole or what proportion of the expenses attending on such arrangements shall be borne by either or any of the administrations respectively.

Agreements with the Government for construction or lease of rolling stock.

33. Any railway company may from time to time make and carry into effect agreements with the Government of His Highness the Maharaja for the construction of rolling-stock, plant or machinery used on, or in connection with, railways, or for leasing or taking on lease any rolling-stock, plant, machinery or equipments required for use on a railway, or for the maintenance of rolling-stock.

Powers of railway companies to enter into working agreements.

34. Any railway company may from time to time make with the Government of His Highness the Maharaja and carry into effect, or, with the sanction of that Government, make with any other railway administration, and carry into effect, any agreement with respect to any of the following purposes :—

(*a*) the working, use, management and maintenance of any railway;

(*b*) the supply of rolling-stock and machinery necessary for any of the purposes mentioned in clause (*a*) and of officers and servants for the conduct of the traffic of the railway;

(*c*) the payments to be made and the conditions to be performed with respect to such working, use, management and maintenance;

(*d*) the interchange, accommodation and conveyance of traffic being on, coming from or intended for the respective railways of the contracting parties, and the fixing, collecting, apportionment and appropriation of the revenues arising from that traffic;

(*e*) generally, the giving effect to any such provisions or stipulations with respect to any of the purposes hereinbefore in this section mentioned as the contracting parties may think fit and mutually agree on:

Provided that the agreement shall not affect any of the rates which the railway administrations, parties thereto, are from time to time respectively authorised to demand and receive from any person, and that every person shall, notwithstanding the agreement, be entitled to the use and

benefit of the railways of any railway administrations, parties to the agreement, on the same terms and conditions, and on payment of the same rates, as he would be if the agreement had not been entered into.

Establishment of ferries and roadways for accommodation of traffic.

35. Any railway company may from time to time exercise, with the sanction of the Government of His Highness the Maharaja, all or any of the following powers, namely:—

(*a*) it may establish, for the accommodation of the traffic of its railway, any ferry equipped with machinery and plant of good quality and adequate in quantity to work the ferry;

(*b*) it may work for purposes other than the accommodation of the traffic of the railway any ferry established by it under this section;

(*c*) it may provide and maintain on any of its bridges roadways for foot passengers, cattle, carriages, carts or other traffic;

(*d*) it may construct and maintain roads for the accommodation of traffic passing to or from its railway;

(*e*) it may provide and maintain any means of transport which may be required for the reasonable convenience of passengers, animals or goods carried or to be carried on its railway;

(*f*) it may charge tolls on the traffic using such ferries, roadways, roads or means of transport as it may provide under this section, according to tariffs to be arranged from time to time with the sanction of the Government of His Highness the Maharaja.

Returns.

36. Every railway administration shall, in forms to be prescribed by the Government of His Highness the Maharaja, prepare, half-yearly or at such intervals as that Government may prescribe, such returns of its capital and revenue transactions and of its traffic as the Government of His Highness the Maharaja may require, and shall forward a copy of such returns to the Government of His Highness the Maharaja at such times as it may direct.

Carriage of Property.

Maximum load for wagons.

37. (1) Every railway administration shall determine the maximum load for every wagon on truck in its possession, and shall exhibit the words or figures representing

the load so determined in a conspicuous manner on the outside of every such wagon or truck.

(2) Every person owning a wagon or truck which passes over a railway shall similary determine and exhibit the maximum load for the wagon or truck.

(3) The gross weight of any such wagon or truck bearing on the axles when the wagon or truck is loaded to such maximum load shall not exceed such limit as may be fixed by the Government of His Highness the Maharaja for the class of axle under the wagon or truck.

Power for railway administrations to impose conditions for working traffic.

38. (1) Subject to the control of the Government of His Highness the Maharaja, a railway adminstration may impose conditions, not inconsistant with this Act, or with any general rule thereunder, with respect to the receiving, forwarding or delivering of any animals or goods.

(2) The railway administration shall keep at each station on its railway a copy of the conditions for the time being in force under sub-section (1) at the station, and shall allow any person to inspect it free of charge at all reasonable times.

(3) A railway administration shall not be bound to carry any animal suffering from any infectious or contagious disorder.

Lien for rates, terminals and other charges.

39. (1) If a person fails to pay on demand made by or on behalf of a railway administration any rate, terminal or other charge due from him in respect of any animals or goods, the railway administration may detain the whole or any of the animals or goods, or, if they have been removed from the railway, any other animals or goods, of such person then being in or thereafter coming into its possession.

(2) When any animals or goods have been detained under sub-section (1), the railway administration may sell by public auction, in the case of perishable goods at once, and in the case of other goods or of animals on the expiration of at least fifteen days' notice of the intended auction, published in one or more of the local newspapers or where there are no such newspapers, in such manner as the Government of His Highness the Maharaja may prescribe, sufficient of such animals or goods to produce a sum equal to the charge, and all expenses of such detention, notice and sale, including, in the case of

animals, the expenses of the feeding, watering, and tending thereof.

(3) Out of the proceeds of the sale the railway administration may return a sum equal to the charge and the expenses aforesaid, rendering the surplus, if any, of the proceeds, and such of the animals or goods (if any) as remain unsold, to the person entitled thereto.

(4) If a person on whom a demand for any rate, terminal or other charge due from him has been made fails to remove from the railway within a reasonable time any animals or goods which have been detained under sub-section (1) or any animals or goods which have remained unsold after a sale under sub-section (2), the railway administration may sell the whole of them and dispose of the proceeds of the sale as nearly as may be under the provisions of sub-section (3).

(5) Notwithstanding anything in the foregoing sub-sections, the railway administration may recover by suit any such rate, terminal or other charge as aforesaid or balance thereof.

Disposal of unclaimed things on a railway.

40. (1) When any animals or goods have come into the possession of a railway adminstration for carriage or otherwise and are not claimed by the owner or other person appearing to the railway administration to be entitled thereto, the railway administration shall, if such owner or person is known, cause a notice to be served upon him, requiring him to remove the animals or goods.

(2) If such owner or person is not known, or the notice cannot be served upon him, or he does not comply with the requisition in the notice, the railway administration may within a reasonable time, subject to the provisions of any other enactment for the time being in force, sell the animals or goods as nearly as may be under the provisions of the last foregoing section, rendering the surplus, if any, of the proceeds of the sale to any person entitled thereto.

Power for railway administrations to require indemnity on delivery of goods in certain cases.

41. Where any animals, goods or sale proceeds in the possession of a railway administration are claimed by two or more persons, or the ticket or receipt given for the animals or goods is not forthcoming, the railway administration may withhold delivery of the animals, goods or sale proceeds until the persons entitled in its opinion to receive them has given an indemnity, to the satisfaction

of the railway administration, against the claims of any other person with respect to the animals, goods or sale-proceeds.

Requisitions for written accounts of description of goods.

42. (1) The owner or person having charge of any goods which are brought upon a railway for the purpose of being carried thereon, and the consignee of any goods which have been carried on a railway, shall, on the request of any railway servant appointed in this behalf by the railway administration, deliver to such servant an account in writing signed by such owner or person, or by such consignee, as the case may be, and containing such a description of the goods as may be sufficient to determine the rate which the railway administration is entitled to charge in respect thereof.

(2) If such owner, person or consignee refuses or neglects to give such an account, and refuses to open the parcel or package containing the goods in order that their description may be ascertained, the railway administration may, (*a*) in respect of goods which have been brought for the purpose of being carried on the railway, refuse to carry the goods unless in respect thereof a rate is paid not exceeding the highest rate which may be in force at the time on the railway, for any class of goods or, (*b*) in respect of goods which have been carried on the railway, charge a rate not exceeding such highest rate.

(3) If an account delivered under sub-section (1) is materially false with respect to the description of any goods to which it purports to relate, and which have been carried in the railway, the railway administration may charge in respect of the carriage of the goods a rate not exceeding double the highest rate which may be in force at the time on the railway for any class of goods.

(4) If any difference arise between a railway servant and the owner or person having charge, or the consignee, of any goods which have been brought to be carried or have been carried on a railway, respecting the description of goods of which an account has been delivered under this section, the railway servant may detain and examine the goods.

(5) If it appears from the examination that the description of the goods is different from that stated in an account delivered under sub-section (1), the person who delivered the account, or, if that person is not the owner

of the goods, then that person and that owner jointly and severally, shall be liable to pay to the railway administration the cost of the detention and examination of the goods, and the railway administration shall be exonerated from all responsibility for any loss which may have been caused by the detention or examination thereof.

(6) If it appears that the description of the goods is not different from that stated in an account delivered under sub-section (1), the railway administration shall pay the cost of the detention and examination, and be responsible to the owner of the goods for any such loss as aforesaid.

Dangerous or offensive goods.

43. (1) No person shall be entitled to take with him, or to require a railway administration to carry, any dangerous or offensive goods upon a railway.

(2) No person shall take any such goods with him upon a railway without giving notice of their nature to the Station Master or other railway servant in charge of the place where he brings the goods upon the railway, or shall tender or deliver any such goods for carriage upon a railway without distinctly marking their nature on the outside of the package containing them or otherwise giving notice in writing of their nature to the railway servant to whom he tenders or delivers them.

(3) An railway servant may refuse to receive such goods for carriage, and when such goods have been so received without such notice as is mentioned in *sub-section (2)* having to his knowledge been given, may refuse to carry them or may stop their transit.

(4) If any railway servant has reason to believe any such goods to be contained in a package with respect to the contents whereof such notice as is mentioned in sub-section (2) has not to his knowledge been given, he may cause the package to be opened for the purpose of ascertaining its contents.

(5) Nothing in this section shall be construed to derogate from the Mysore Explosives Act, II of 1888 or any rule under that Act and nothing in sub-sections (1), (3) and (4) shall be construed to apply to any goods tendered or delivered for carriage by order or on behalf of the Government of His Highness the Maharaja or the British Government or to any goods which an

*Substituted for Act 'sub-section (1)' by section 4 of Act X of 1919.

officer, soldier, sailor or police-officer or a person enrolled as a Volunteer under the Indian Volunteers' Act, 1869, may take with him upon a railway in the course of his employment or duty as such.

Exhibition to the public of authority for quoted rates.

44. At every station at which a railway administration quotes a rate to any other station for the carriage of traffic other than passengers and their luggage, the railway servant appointed by the administration to quote the rate shall, at the request of any person, show to him at all reasonable times, and without payment of any fee, the rate-books or other documents in which the rate is authorized by the administration or administrations concerned.

Requisitions on railway administrations for details of gross charges.

45. (1) Where any charge is made by and paid to a railway administration in respect of the carriage of goods over its railway, the administration shall, on the application of the person by whom or on whose behalf the charge has been paid, render to the applicant an account showing how much of the charge comes under each of the following heads namely :—

(*a*) the carriage of the goods on the railway ;
(*b*) terminals ;
(*c*) demurrage; and
(*d*) collection, delivery and other expenses ;

but without particularizing the several items of which the charge under each head consists.

(2) The application under sub-section (1) must be in writing and be made to the railway administration within one month after the date of the payment of the charge by or on behalf of the applicant and the account must be rendered by the administration within two months after the receipt of the application.

Carriage of Passengers.

Communication between passengers and railway servants in charge of transit.

46. The Government of His Highness the Maharaja may require any railway administration to provide and maintain in proper order, in any train worked by it which carries passengers, such efficient means of communication between the passengers and the railway servants incharge of the train as that Government has approved.

Maximum number of passengers for each compartment.

47. Every railway administration shall fix, subject to the approval of the Government of His Highness the Maharaja, the maximum number of passengers which be carried in each compartment of every description of carriage, and shall exhibit the number so fixed in a conspicuous manner inside or outside each compartment, in English or in Kanarese or both in English and in Kanarese, as the Government of His Highness the Maharaja, after consultation with the railway administration, may determine.

Reservation of compartments for females.

48. (1) On and after the first day of May 1894, every railway administration shall, in every train carrying passengers, reserve for the exclusive use of females one compartment at least of the lowest class of carriage forming part of the train.

(2) One such compartment so reserved shall, if the train is to run for a distance exceeding fifty miles, be provided with a closet.

Exhibition of time tables and tables of fares at stations.

49. Every railway administration shall cause to be posted in a conspicuous and accessible place at every station on its railway, in English and in Kanarese, a copy of the time-tables for the time being in force on the railway, and lists of the fares chargeable for travelling from the station where the lists are posted to every place for which cart-tickets are ordinarily issued to passengers at that station.

Supply of tickets on payment of fares.

50. (1) Every person desirous of travelling on a railway shall, upon payment of his fare, be supplied with a ticket, specifying the class of carriage for which, and the place from and the place to which, the fare has been paid, and the amount of the fare.

(2) The matters required by sub-section (1) to be specified on a ticket shall be set forth—

(*a*) if the class of carriage to be specified thereon is the lowest class, then in Kanarese, and

(*b*) if the class of carriage to be so specified is any other than the lowest class, then in English.

Provision for case in which tickets have been issued for trains no having room available for additional passengers.

51. (1) Fares shall be deemed to be accepted, and tickets to be issued, subject to the condition of there being room available in the train for which the tickets are issued.

(2) A person to whom a ticket has been issued and for whom there is not room available in the train for

which the ticket was issued, shall, on returning the ticket within three hours after the departure of the train, be entitled to have his fare at once refunded.

(3) A person for whom there is not room available in the class of carriage for which he has purchased a ticket and who is obliged to travel in a carriage of a lower class, shall be entitled on delivering up his ticket to a refund of the difference between the fare paid by him and the fare payable for the class of carriage in which he travelled.

Prohibition against travelling without pass or ticket.

*52. (1) No person shall, without the permission of a railway servant, enter or remain in any carriage on a railway for the purpose of travelling therein as a passenger, unless he has with him a proper pass or ticket.

(2) A railway servant when granting the permission referred to in sub-section (1) shall ordinarily, if empowered in this behalf by the railway administration, grant to the passenger a certificate that the passenger has been permitted to travel in such carriage upon condition that the subsequently pays the fare payable for the distance to be travelled.*

Exhibition and surrender of passes and tickets.

53. Every passanger by railway shall, on the requisition of any railway servant appointed by the railway administration in this behalf, present his pass or ticket to the railway servant for examination, and at or near the end of the journey for which the pass or ticket was issued, or, in the case of a season pass or ticket, at the expiration of the period for which it is current, deliver up the pass or ticket to the railway servant.

Return and season tickets.

54. A return ticket or season ticket shall not be transferable and may be used only by the person for whose journey to and from the places specified thereon it was issued.

Power to refuse to carry persons suffering from infectious or contagious disorder.

55. (1) A railway administration may refuse to carry except in accordance with the conditions prescribed under section 31, sub-section (1). clause (d), a person suffering from any infectious or contagious disorder.

(2) A person suffering from such a disorder shall not enter or travel upon a railway without the special permission of the Station Master or other railway servant incharge of the place where he enters upon the railway.

(3) A railway servant giving such permission as is mentioned in sub-section (2) must arrange for the separation of the person suffering from the disorder from other persons being or travelling upon the railway.

*Sub-section (2) was added by section 2 of Act XIV of 1942.
†The words "remain in" were inserted by Section 2 of Act XIV of 1942.

Sections 56-57.

CHAPTER VII.

RESPONSIBILITY OF RAILWAY ADMINISTRATIONS AS CARRIERS.

Measure of the general responsibility of a railway administration as a carrier of animals and goods.

56. 1. The responsibility of a railway administration for the loss, destruction or deterioration of animals or goods delivered to the administration to be carried by railway shall, subject to the other provisions of this Act be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872.

(2) An agreement purporting to limit that responponsibility shall, in so far as it purports to effect such limitation, be void, unless it—

(*a*) is in writing signed by or on behalf of the person sending or delivering to the railway administration the animals or goods, and

(*b*) is otherwise in a form approved by the Government of His Highness the Maharaja.

Further provision with respect to the liability of a railway administration as a carrier of animals.

57. (1) The responsibility of a railway administration under the last foregoing section for the loss, destruction or deterioration of animals delivered to the administration to be carried on a railway, shall not in any case exceed in the case of elephants or horses, five hundred rupees a head, or, in the case of *mules, camels or horned cattle, fifty rupees a head, or in these case of *donkeys, sheep, goats dogs or other animals, ten rupees a head unless the person sending or delivering them to the administration caused them to be declared, or declared them, at the time of their delivery for carriage by railway, to be respectively of higher value than five hundred, fifty or ten rupees a head, as the case may be.

(2) Where such higher value has been declared, the railway administration may charge, in respect of the increased risk, a percentage upon the excess of the value so declared over the respective sums aforesaid.

(3) In every proceeding against a railway administration for the recovery of compensation for the loss, destruction, or deterioration of any animal the burden of proving the value of the animal and, where the animal has

* The word 'mules' and 'donkeys' were inserted by sec. 5 of Act X of 1919.

Sections 58-60.

been injured, the extent of the injury shall lie upon the person claiming the compensation.

Further provision with respect to the liability of a railway administration as a carrier of luggage.

58. A railway administration shall not be responsible for the loss, destruction or deterioration of any luggage belonging to or in charge of a passenger, unless a railway servant has booked and given a receipt therefor.

Further provision with respect to the liability of a railway administration as a carrier of articles of special value.

59. (1) When any articles mentioned in the schedule hereto annexed are contained in any parcel or package delivered to a railway administration for carriage by railway, and the value of such articles in the parcel or package exceeds one hundred rupees, the railway administration shall not be responsible for the loss, destruction or deterioraction of the parcel or package, unless the person sending or delivering the parcel or package to the administration caused its value and contents to be declared or declared them at the time of the delivery of the parcel or package for carriage by railway, and, if so required by the administration, paid or engaged to pay a percentage on the value so declared by way of compensation for increased risk.

(2) When any parcel or package of which the value has been declared under sub section (1) has been lost or destroyed or has deteriorated, the compensation recoverable in respect of such loss, destruction or deterioration shall not exceed the value so declared, and the burden of proving the value so declared to have been the true value shall, not withstanding anything in the declaration, lie on the person claiming the compensation.

(3) A railway administration may make it a condition of carrying a parcel declared to contain any article mentioned in the second schedule that a railway servant authorized in this behalf has been satisfied by examination or otherwise that the parcel actually contains the article declared to be therein.

Bruden of proof in suits in respect of loss of animals or goods.

60. In any suit against a railway administration for compensation for loss, destruction or deterioration of animals or goods delivered to a railway administration for carriage by railway, it shall not be necessary for the plaintiff to prove how the loss, destruction or deterioration was caused.

Sections 61-64.

Notification of claims to refunds of overcharges and to compensation for losses.

61. A person shall not be entitled to a refund of an overcharge in respect animals or goods carried by railway or to compensation for the loss, destruction or deterioration of animals or goods delivered to be so carried unless his claim to the refund or compensation has been preferred in writing by him or on his behalf to the railway administration within six months from the date of the delivery of the animals or goods for carriage by railway.

Exoneration from responsibility in case of goods falsely described.

62. Notwithstanding anything in the foregoing provisions of this chapter, a railway administration shall not be responsible for the loss, destruction or deterioration of any goods with respect to the description of which an account materially false has been delivered under subsection (1) of section 42, if the loss, destruction or deterioration is in any way brought about by the false account, nor in any case for an amount exceeding the value of the goods, if such value were calculated in accordance with the description contained in the false account.

Settlement of compensation for injuries to officers, soldiers and followers on duty.

63. Where an officer, soldier or follower, while being or travelling as such on duty upon a railway belonging to, and worked by, the Government of His Highness the Maharaja, loses his life or receives any personal injury in such circumstances that if he were not an officer, soldier or follower being or travelling as such on duty upon the railway, compensation would be payable under Mysore Act No. II of 1892 or to him, as the case may be, the form and amount of the compensation to be made in respect of the loss of his life or his injury shall, where there is any provision in this behalf in the military regulations to which he was immediately before his death, or is, subject, be determined in accordance with those regulations, and not otherwise.

Suits for compensation for injury to through-booked traffic.

64. Notwithstanding anything in any agreement purporting to limit the liability of a railway administration with respect to traffic while on the railway of another administration, a suit for compensation for loss of the life of, or personal injury to, a passenger, or for loss, destruction or deterioration of animals or goods where the passenger was or the animals or goods were booked through over the railways of two or more railway administrations, may be brought either against the railway administration from which the passenger obtained

Sections 65-66.

his pass or purchased his ticket, or to which the animals or goods were delivered by the consignor thereof, as the case may be, or against the railway administration on whose railway the loss, injury, destruction or deterioration occurred.

65. *Section* 65 *was repealed by Act* X *of* 1919.

CHAPTER VIII.

ACCIDENTS.

Report of railway accidents.

66. When any of the following accidents occurs in the course of working a railway, namely:—

(*a*) any accident attended with loss of human life, or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property;

(*b*) any collision between trains of which one is a train carrying passengers;

(*c*) the derailment of any train carrying passengers, or of any part of such a train;

(*d*) any accident of a description usually attended with loss of human life or with such grievous hurt as aforesaid or with serious injury to property;

(*e*) any accident of any other description which the Government of His Highness the Maharaja may notify in this behalf in the official Gazette;

the railway administration working the railway and, if the accident happens to a train belonging to anp other railway administration, the other railway administration also shall, without unnecessary delay, send notice of the accident to the Government of His Highness the Maharaja and to the Inspector appointed for the railway; and the station-master nearest to the place at which the accident occurred or, where there is no station-master, the railway servant in charge of the section of the railway on which the accident, occurred shall without unnecessary delay, give notice of the accident to the Magistrate of the district in which the accident occured, and to the officer in charge of the police station within the local limits of which it occurred, or to such other Magistrate and police officer as the Government of His Highness the Maharaja appoints in this behalf.

Sections 67-70.

Power to make rules regarding notices of and inquiries into accidents.

67. The Government of His Highness the Maharaja may make rules, consistent with this Act and any other enactment for the time being in force, for all or any of the following purposes, namely:—

(*a*) for prescribing the forms of the notices mentioned in the last foregoing section, and the particulars of the accident which those notices are to contain;

(*b*) for prescribing the class of accidents, of which notice is to be sent by telegraph immediately after the accident has occurred;

(*c*) for prescribing the duties of railway servants, police officers, Inspectors and Magistrates on the occurrence of an accident.

Provision for compulsory medical examination of person injured in railway accident.

68. Whenever any person injured by an accident on a railway claims compensation on account of the injury, any Court or person having by law or consent of parties authority to determine the claim may order that the person injured be examined by some duly qualified medical practitioner named in the order and not being a witness on either side, and may make such order with respect to the costs of the examination as it or he thinks fit.

CHAPTER IX.

PENALTIES AND OFFENCES.

Forfeitures by Railway Companies.

Penalty for default in compliance with requisition under section 13.

69. If a railway company fails to comply with any requisition made under section 13, it shall forfeit to the Government of His Highness the Maharaja the sum of two hundred rupees for the default and a further sum of fifty rupees for every day after the first during which the defualt continues.

Penalty for contravention of sections 16, 18, 19, 20, 21.

70. If a railway company moves any rolling-stock upon a railway by steam or other motive power in contravention of section 16, sub-section (2), or opens or uses any railway or work in contravention of section 18, section 19, section 20 or section 21, or re-opens any railway or uses any rolling-stock in contravention of section 24, it

Sections 71-75.

shall forfeit to the Government of His Highness the Maharaja the sum of two hundred rupees for every day during which the motive power, railway work or rolling stock is used in contravention of any of those sections.

Penalty for not having certain documents kept or exhibited at stations under sections 31, 38 or 49.

71. If a railway company fails to comply with the provisions of section 31, sub-section (6), section 38 sub-section (2), or section 49, with respect to the books or other documents to be kept open to inspection or conspicuously posted at stations on its railway, it shall forfeit to the Government of His Highness the Maharaja the sum of fifty rupees for every day during which the default continues.

Penalty for not making rules as required by section 31.

72. If a railway company fails to comply with the provisions of section 31 with respect to the making of general rules, it shall forfeit to the Government of His Highness the Maharaja the sum of fifty rupees for every day during which the default continues.

Penalty for failure to comply with decisions under section 32.

73. If a railway company refuses or neglects to comply with any decision of the Government of His Highness the Maharaja under section 32, it shall forfeit to that Government the sum of two hundred rupees for every day during which the refusal or neglect continues.

Penalty for delay in submitting returns under section 36.

74. If a railway company fails to comply with the provisions of section 36 with respect to the submission of any return it shall forfeit to the Government of His Highness the Maharaja the sum of fifty rupees for every day during which the default continues after the fourteenth day from the date prescribed for the submission of the return.

Penalty for neglect of provisions of section 37 or 47 with respect to carrying capacity of rolling-stock.

75. If a railway company contravenes the provisions of section 37 or section 47 with respect to the maximum load to be carried in any wagon or truck, or the maximum number of passengers to be carried in any compartment, or the exhibition of such load on the wagon or truck or of such number in or on the compartment, or knowingly suffers any person owning a wagon or truck passing over its railway to contravene the provisions of the former of those sections, it shall forfeit to the Government of His Highness the Maharaja the sum of twenty rupees for every day during which either section is contravened.

Sections 76-80.

Penalty for failure to comply with requisition under section 46 for maintenance of means of communication between passengers and railway servants.

76. If a railway company fails to comply with any requisition of the Government of His Highness the Maharaja under section 46 for the provision and maintenance in proper, order in any train worked by it, which carries passengers, of such efficient means of communication as that Government has approved, it shall forfeit to the Government of His Highness the Maharaja the sum of twenty rupees for each train run in disregard of the requisition.

Penalty for failure to reserve compermanets for females under section 48.

77. If a railway company fails to comply with the requirements of section 48 with respect to the reservation of compartments for females or the provision of closets therein, it shall forfeit to the Government of His Highness the Maharaja the sum of twenty rupees for every train in respect of which the default occurs.

Penalty for omitting to give the notices of accidents required by section 66 and under section 67.

78. If a railway company omits to give such notice of an accident as is required by section 66 and the rules for the time being in force under section 67, it shall forfeit to the Government of His Highness the Maharaja the sum of one hundred rupees for every day during which the omission continues.

Recovery of penalties.

79. (1) When a railway company has, through any act or omission, forfeited any sum to the Government of His Highness the Maharaja under the foregoing provisions of this Chapter, the sum shall be recoverable by suit in the District Court having jurisdiction in the place where the act or omission or any part thereof occurred.

(2) This suit must be instituted with the previous sanction of the Government of His Highness the Maharaja, and the plaintiff therein shall be the Dewan of Mysore.

(3) The Government of Highness the Maharaja may remit the whole or any part of any sum forfeited by a railway company to that Government under the foregoing provisions of this Chapter.

Alternative or supplementary character of remedies afforded by the foregoing provisions of this chapter.

80. Nothing in these provisions shall be construed to preclude the Government of His Highness the Maharaja from resorting to any other mode of proceeding instead of, or in addition to, such a suit as is mentioned in the last foregoing section, for the purpose of compelling a railway company to discharge any obligation imposed upon it by this Act.

Sections 81-86.

Offences by Railway Servants.

Breach of duty imposed by section 44.

81. If a railway servant whose duty it is to comply with the provisions of section 44 negligently or wilfully omits to comply therewith, he shall be punished with fine which may extend to twenty rupees.

Drunkenness.

82. If a railway servant is in a state of intoxication while on duty, he shall be punished with fine which may extend to fifty rupees or, where the improper performance of the duty would be likely to endanger the safety of any person travelling or being upon a railway, with imprisonment for a term which may extend to one year or with fine or with both.

Endangering the safety of persons.

83. If a railway servant, when on duty, endangers the safety of any person—

(*a*) by disobeying any general rule made, sanctioned, published and notified under this Act, or

(*b*) by disobeying any rule or order which is not inconsistent with any such general rule, and which such servant was bound by the terms of his employment to obey, and of which he had notice, or

(*c*) by any rash or negligent act or omission,

he shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to five hundred rupees or with both.

Compelling passengers to enter carriages already.

84. If a railway servant compels or attempts to compel or causes, any passenger to enter a compartment which already contains the maximum number of passengers exhibited therein or thereon under section 47, he shall be punished with fine which may extend to twenty rupees.

Ommission to give notice of accident.

85. If a station master or a railway servant in charge of a section of a railway omits to give such notice of an accident as is required by section 66 and the rules for the time being in force under section 67, he shall be punished with fine which may extend to fifty rupees.

Obstructing level crossings.

86. If a railway servant unnecessarily,—

(*a*) allows any rolling-stock to stand across a place where the railway crosses a public road on the level, or

(*b*) keeps a level-crossing closed against the public,

he shall be punished with fine which may extend to twenty rupees.

False returns.

87. If any return which is required by this Act is false in any particular to the knowledge of any person who signs it, that person shall be punished with fine which may extend to five hundred rupees or with imprisonment which may extend to one year or with both.

Other Offences.

Giving false account of goods.

88. If a person requested under section 42 to give an account with respect to any goods gives an account which is materially false, he and, if he is not the owner of the goods, the owner also shall be punished with fine which may extend to ten rupees for every maund or part of a maund of the goods, and the fine shall be in addition to any rate or other charge to which the goods may be liable.

Unlawfully bringing dangerous or offensive goods upon a railway.

89. If in contravention of section 43 a person takes with him any dangerous or offensive goods upon a railway, or tenders or delivers any such goods for carriage upon a railway, he shall be punished with fine which may extend to five hundred rupees, and shall also be responsible for any loss, injury or damage which may be caused by reason of such goods having been so brought upon the railway.

Needlessly interfering with means of communication in a train.

90. If a passenger, without reasonable and sufficient cause, makes use of or interferes with any means provided by a railway administration for communication between passengers and the railway servants in charge of a train, he shall be punished with fine which may extend to fifty rupees.

Entering compartment reserved or already full or resisting entry into a compartment not full.

91. (1) If a passenger, having entered a compartment which is reserved by a railway administration for the use of another passenger, or which already contains the maximum number of passengers exhibited therein or thereon under section 47, refuses to leave it when required to do so by any railway servant, he shall be punished with fine which may extend to twenty rupees.

(2) If a passenger resists the lawful entry of another passenger into a compartment not reserved by the railway administration for the use of the passenger resisting or not already containing the maximum number of passengers exhibited therein or thereon under section 47, he shall be punished with fine which may extend to twenty rupees.

Smoking.

92. (1) If a person, without the consent of his fellow-passengers, if any, in the same compartment, smokes in any compartment except a compartment

specially provided for the purpose, he shall be punished with fine which may extend to twenty rupees.

(2) If any person persists in so smoking after being warned by any railway servant to desist, he may, in addition to incurring the liability mentioned in sub-section (1) be removed by any railway servant from the carriage in which he is travelling.

Defacing public notices.

93. If a person, without authority in this behalf, pulls down, or wilfully injures any board or document set up or posted by order of a railway administration on a railway or any rolling-stock, or obliterates or alters any of the letters or figures upon any such board or document he shall be punished with fine which may extend to fifty rupees.

Fraudulently travelling or attempting to travel without proper pass or ticket.

94. (1) If a person, with intent to defraud a railway administration—

(*a*) enters * or remains in any carriage on a railway in contravention of section 52, or *

(*b*) uses or attempts to use a single pass or single ticket which has already been used on a previous journey or, in the case of a return ticket a half thereof which has already been so used,

he shall be punished † with in prisonment for a term which may extend to three months or † with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have travelled.

(2) ‡ Notwithstanding anything contained in section 65 of the Indian Penal Code, as in force in Mysore, the Court convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months. ‡

Travelling without pass or tickets or with insufficient pass or ticket or beyond authorised distance.

95. (1) If a passenger travels in a train without having a proper pass or a proper ticket with him, or being in or having alighted from a train, fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor under section 53, he shall be liable to pay, on the demand of any railway servant appointed by the railway administration in this behalf, the excess charge hereinafter in this section mentioned, in addition to the ordinary single fare for the distance which he has travelled, or, where there is any doubt as to the station from which he started, the ordinary single fare from the station from which the train originally started, or, if the tickets of passengers travelling in the train, have been examined since the original starting of the train, the ordinary single fare from the place where the tickets were examined, or, in case of their having been examined more than once, were last examined.

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* Substituted by section 3 of Act XIV of 1942.

† Added by section 3 of Act XIV of 1942.

‡ Sub-section (2) added by Act XIV of 1942.

(2) If a passenger travels or attempts to travel in or on a carriage, or by a train, of a higher class than that for which he has obtained a pass or purchased a ticket, or travels in or on a carriage beyond the place authorised by his pass or ticket, he shall be liable to pay, on the demand of any railway servant appointed by the railway administration in this behalf, the excess charge hereinafter in this section mentioned, in addition to any difference between any fare paid by him and the fare payable in respect of such journey as he has made.

(3) *The excess charge referred to in sub-section (1) and sub-section (2) shall be a sum equivalent to the amount otherwise payable under those sub-sections, or eight annas, whichever is greater:

Provided that where the passenger has immediately after incurring the charge and before being detected by a railway servant notified to the railway servant on duty with the train the fact of the charge having been incurred, the excess charge shall be one-sixth of the excess charge otherwise payable calculated to the nearest anna, or two annas, whichever is greater:

Provided further that if the passenger has with him a certificate granted under sub-section (2) of section 52, no excess charge shall be payable;

(4) If a passenger liable to pay the excess charge and fare mentioned in sub-section (1), or the excess charge and any difference of fare mentioned in sub-section (2), fails or refuses to pay the same on demand being made therefor under one or other of those sub-sections, as the case may be, [any railway servant appointed by the railway administration in this behalf may apply to any Magistrate of the first or second class for the recovery of the sum payable as if it were fine, and the Magistrate, if satisfied, that the sum is payable, shall order it to be so recovered, and may order that the person liable for the payment shall, in default of payment, suffer imprisonment of either description for a term which may extend to one month. Any sum recovered under this sub-section shall as it is recovered, be paid to the railway administration.]

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* Substituted by section 4 (*a*) of Act XIV of 1942.

[ ] Substituted by section 4 (*b*) of Act XIV of 1942.

Powers to remove persons from railway carriage.

[**95-A.** Any person who, without having obtained the permission of a railway servant travels or attempts to travel in a carriage without having a proper pass or ticket with him, or in a carriage of a higher class than that for which he has obtained a pass or purchased a ticket, or in a carriage beyond the place authorised by his pass or ticket, or who, being in a carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor under section 53, may be removed from the carriage by any railway servant authorised by the railway administration in this behalf or by any other person whom such railway servant may call to his aid, unless he then and there pays the fare and the excess charge which he is liable to pay under section 95:

Provided that nothing in this section shall be deemed to preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket:

Provided further that women and children, if unaccompanied by male passengers shall not be so removed except either at the station at which they first enter the train or at a junction or terminal station or station at the headquarters of a civil district and only between the hours of 6 A.M. and 6 P.M.]

Transfering *any half of return ticket.

96. If a person sells or attempts to sell, or parts or attempts to part with the possession of, *any half* of a return ticket in order to enable any other person to travel therewith, or purchases such half of a return ticket, he shall be punished with fine which may extend to fifty rupees, and, if the purchaser of such half of a return ticket travels or attempts to travel therewith, he shall be punished with an additional fine which may extend to the amount of the single fare for the †journey authorized by the ticket.

Disposal of fine under the two last foregoing section.

97. That portion of any fine imposed under section 94 or the last foregoing section which represents the single fare therein mentioned shall, as the fine is recovered, be paid to the railway administration before any portion of the fine is credited to the Government of His Highness the Maharaja.

Altering or defacing pass or ticket.

98. If a passengar wilfully alters or defaces his pass or ticket so as to render the date, number or any material portion thereof illegible, he shall be punished with fine which may extend to fifty rupees.

Being or suffering person to travel on railway with infectious or contagious disorder.

99. (1) If a person suffering from an infectious or contagious disorder enters or travels upon a railway in contravention of section 55, sub-section (2), he, and any person having charge of him upon the railway when he so entered or travelled thereon, shall be punished with fine which may extend to twenty rupees, in addition to the forfeiture of any fare which either of them may have paid, and of any pass or ticket which either of them may have obtained or purchased, and may be removed from the railway by any railway servant.

(1) If any such railway servant as is referred to in section 55, sub-section (2), knowing that a person is suffering from any infectious or contagious disorder, wilfully permits the person to travel upon a railway without arranging for his separation from other passengers, he shall be punished with fine which may extend to one hundred rupees.

** The words 'any half' were substituted for the original words 'the return half' by Section 7 of Act X of 1919.

† The word 'return' was repealed by Section 7 of Act X of 1919.

[ ] Inserted by Section 5 of Act XIV of 1942.

Sections 100-103.

Entering carriage in motion, or otherwise improperly travelling on a railway.

100. (1) If a passenger enters or leaves, or attempts to enter or leave, any carriage while the train is in motion, or elsewhere than at the side of the carriage adjoining the platform or other place appointed by the railway administration for passengers to enter or leave the carriage, or opens the side-door of any carriage while the train is in motion, he shall be punished with fine which may extend to twenty rupees.

(2) If a passenger, after being warned by a railway servant to desist, persists in travelling on the roof, steps or footboard of any carriage or on an engine, or in any other part of a train not intended for the use of passengers, he shall be punished with fine which may extend to fifty rupees and may be removed from the railway by any railway servant.

Entering carriage or other place reserved for females.

101. If a male person, knowing a carriage, compartment, room or other place to be reserved by a railway administration for the exclusive use of females, enters the place without lawful excuse, or having entered it, remains therein after having been desired by any railway servant to leave it, he shall be punished with fine which may extend to one hundred rupees, in addition to the forfeiture of any fare which he may have paid and of any pass or ticket which he may have obtained or purchased and may be removed from the railway by any railway servant.

Drunkenness or nuisance on a railway.

102. If a person in any railway carriage or upon any part of railway—

(*a*) is in a state of intoxication, or

(*b*) commits any nuisance or act of indecency, or uses obscene or abusive language, or

(*c*) wilfully and without lawful excuse interferes with the comfort of any passenger or extinguishes any lamp,

he shall be punished with fine which may extend to fifty rupees, in addition to the forfeiture of any fare which he may have paid and of any pass or ticket which he may have obtained or purchased, and may be removed from the railway by any railway servant.

Obstructing railway servant in his duty.

103. If a person wilfully obstructs or impedes any railway servant in the discharge of his duty, he shall be punished with fine which may extend to one hundred rupees.

Sections 104-107.

Trespass and refusal to desist from trespass.

104. (1) If a person unlawfully enters upon a railway, he shall be punished with fine which may extend to twenty rupees.

(2) If a person so entering refuses to leave the railway on being requested to do so by any railway servant or by any other person on behalf of the railway administration, he shall be punished with fine which may extend to fifty rupees, and may be removed from the railway by such servant or other person.

Disobedience of omnibus drivers to directions of railway servants.

105. If a driver or conductor of a tramcar, omnibus, carriage or other vehicle while upon the premises of a railway disobeys the reasonable directions of any railway servant or police officer, he shall be punished with fine which may extend to twenty rupees.

Opening or not properly shutting gate.

106. In either of the following cases, namely:—

(*a*) if a person knowing or having reason to believe that an engine or train is approaching along a railway, opens any gate set up on either side of the railway across a road, or passes or attempts to pass, or drives or takes, or attempts to drive or take, any animal, vehicle or other thing across the railway,

(*b*) if, in the absence of a gate-keeper, a person omits to shut and fasten such a gate as aforesaid, as soon as he and any animal, vehicle or other thing under his charge have passed through the gate,

the person shall be punished with fine which may extend to fifty rupees.

Cattle-trespass.

107. (1) The owner or person in charge of any cattle straying on a railway provided with fences suitable for the exclusion of cattle shall be punished with fine which may extend to five rupees for each head of cattle, in addition to any amount which may have been recovered or may be recoverable under the Cattle Trespass Act, 1871.

(2) If any cattle are wilfully driven, or knowingly premitted to be, on any railway otherwise than for the purpose of lawfully crossing the railway or for any other lawful purpose, the person in charge of the cattle, or, at the option of the railway administration, the owner of the cattle, shall be punished with fine which may extend to ten rupees for each head of cattle, in addition to any amount which may have been recovered or may be recoverable under the Cattle Trespass Act, 1871.

Sections 108-110.

(3) Any fine imposed under this section may, if the Court so directs, be recovered in manner provided by section 25 of the Cattle Trespass Act, 1871.

(4) The expression "public road" in sections 11 and 26 of the Cattle Trespass Act, 1871, shall be deemed to include a railway, and any railway servant may exercise the powers conferred on officers of police by the former of those sections.

(5) The word "cattle" has the same meaning in this section as in the Cattle Trespass Act, 1871.

Maliciously wrecking or attempting to wreck a train.

108. If a person unlawfully—

(*a*) puts or throws upon or across any railway any wood, stone or other matter or thing, or

(*b*) takes up, removes, loosens or displaces any rail, sleeper or other matter or thing belonging to any railway, or

(*c*) turns, moves, unlocks or diverts any points or other machinery belonging to any railway, or

(*d*) makes or shows, or hides or removes, any signal or light upon or near to any railway, or

(*e*) does or causes to be done or attempts to do any other act or thing in relation to any railway,

with intent, or with knowledge that he is likely, to endanger the safety of any person travelling or being upon the railway, he shall be punished with transportation for life or with imprisonment for a term which may extend to ten years.

Maliciously writing or attempting to hurt persons travelling by railway.

109. If a person unlawfully throws or causes to fall or strike at, against, into or upon any rolling-stock forming part of a train any wood, stone or other matter or thing with intent, or with knowledge that he is likely, to endanger the safety of any person being in or upon such rolling-stock or in or upon any other rolling-stock forming part of the same train, he shall be punished with transportation for life or with imprisonment for a term which may extend to ten years.

Endangering safety of persons travelling by wilful act or omission.

110. If a person, by any unlawful act or by any wilful omission or neglect, endangers or causes to be endangered the safety of any person travelling or being upon any railway, or obstructs or causes to be obstructed or attempts to obstruct any rolling-stock upon any railway, he shall be punished with imprisonment for a term which may extend to two years.

Sections 111-114.

Endangering safety of persons travelling by rash or negligent act or omission.

111. If a person rashly or negligently does any act, or omits to do what he is legally bound to do, and the act or omission is likely to endanger the safety of any person travelling or being upon a railway, he shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

Special provision with respect to the commission by children of acts endangering safety of persons travelling by railway.

112. (1) If a minor under the age of twelve years is, with respect to any railway, guilty of any of the acts or omissions mentioned or referred to in any of the four last foregoing sections, he shall be deemed, notwithstanding anything in section 82 or section 83 of the Indian Penal Code, to have committed an offence, and the Court convicting him may, if it thinks fit, direct that the minor, if a male shall be punished with whipping, or may require the father or guardian of the minor to excute, within such time as the Court may fix, a bond binding himself, in such penalty as the Court directs, to prevent the minor from being again guilty of any of those acts or omissions.

(2) The amount of the bond, if forfeited shall be recoverable by the Court as if it were a fine imposed by itself.

(3) If a father or guardian fails to excute a bond under sub-section (1) within the time fixed by the Court, he shall be punished with fine which may extend to fifty rupees.

Procedure.

Arrest for offences against certain sections.

113. (1) If a person commits any offence mentioned in sections 82, 83, 101, 102, 103, 108, 109, 110 or 111 or in section 112, sub-section (1), he may be arrested without warrant or other written authority by any railway servant or police officer, or by any other person whom such servant or officer may call to his aid.

(2) A person so arrested shall, with the least possible delay, be taken before a Magistrate having authority to try him or commit him for trial.

Arrest of persons likely to abscond or unknown.

114. (1) If a person commits any offence under this Act other than an offence mentioned in the last foregoing section, or fails or refuses to pay any excess charge or other sum demanded under section 95, and there is reason to believe that he will abscond, or his name and address are unknown, and he refuses on demand to give his name and address, or there is reason to believe that the

name or address given by him is incorrect, any railway servant or police officer, or any other person whom such railway servant or police officer may call to his aid, may without warrant or other written authority, arrest him.

(2) The person arrested shall be released on his giving bail, or, if his true name and address are ascertained, on his executing a bond without sureties, for his appearance before a Magistrate when required.

(3) If the person cannot give bail and his true name and address are not ascertained, he shall with the least possible delay be taken before the nearest Magistrate having jursidiction.

(4) The provisions of Chapters XXXIX and XLII of the Code of Criminal Procedure, 1882, as introduced into Mysore by Act I of 1886* shall, so far as may be, apply to bail given and bonds executed under this section.

Magistrates having jurisdiction under Act.

115. No Magistrate other than a Magistrate whose powers are not less than those of a Magistrate of the seccond class shall try any offence under this Act.

Place of trial.

116. (1) Any person committing any offence against this Act or any rule thereunder, shall be triable for such offence in any place in which he may be or which the Government of His Highness the Maharaja may notify in this behalf, as well as in any other place in which he might be tried under any law for the time being in force.

(2) Every notification under sub-section (1) shall be published in the official Gazette, and a copy thereof shall be exhibited for the information of the public in some conspicüous place at each of such railway stations as the Government of His Highness the Maharaja may direct.

CHAPTER X.

SUPPLEMENTAL PROVISIONS.

Taxation of railways by local authorities.

117. Notwithstanding anything to the contrary in any enactment, or in any agreement or award based on any enactment, the following rules shall regulate the levy of taxes in respect of railways and from railway administrations in aid of the funds of local authorities, namely:—

(1) A railway administration shall not be liable to pay any tax in aid of the funds of any local authority

* See now Act II of 1904.

unless the Government of His Highness the Maharaja has, by notification in the official Gazette, declared the railway administration to be liable to pay the tax.

(2) While a notification of the Government of His Highness the Maharaja under clause (1) of this section is in force, the railway administration shall be liable to pay to the local authority either the tax mentioned in the notification or, in lieu thereof, such sum, if any, as an officer appointed in this behalf by the Government of His Highness the Maharaja may, having regard to all the circumstances of the case, from time to time determine to be fair and reasonable.

(3) The Government of His Highness the Maharaja may at any time revoke or vary a notification under clause (1) of this section.

(4) Nothing in this section is to be construed as debarring any railway administration from entering into a contract with any local authority for the supply of water or light, or for the scavenging of railway premises, or for any other service which the local authority may be rendering or be prepared to render within any part of the local area under its control.

(5) "Local authority" in this section means a Municipal Committee, District Board or other authority legally entitled to, or entrusted by the Government of His Highness the Maharaja with the control or management of a municipal or local fund, and includes any authority legally entitled to or entrusted with the control or management of any fund for the maintenance of watchmen or for the conservancy of a river.

Restriction on execution against railway property.

118. (1) None of the rolling-stock, machinery, plant, tools, fittings, materials or effects used or provided by a railway administration for the purpose of the traffic on its railway, or of its stations or workshops, shall be liable to be taken in execution of any decree or order of any Court* or of any local authority or person having by law power to attach or distrain property or otherwise cause property to be taken in execution* without the previous sanction of the Government of His Highness the Maharaja.

(2) Nothing in sub-section (1) is to be construed as affecting the authority of any court to attach the earnings of a railway in execution of a decree or order.

[*—*] Added by Section 8 of Act X of 1919.

Railway servants to be public servants for the purposes of Chapter IX of the Indian Penal Code.

119. (1) Every railway servant shall be deemed to be a public servant for the purposes of Chapter IX of the Indian Penal Code.

(2) In the definition of "legal remuneration" in section 161 of that Code, the word "Government" shall, for the purposes of sub-section (1), be deemed to include any employer of a railway servant as such.

(3) A railway servant shall not—

(*a*) purchase or bid for, either in person or by agent, in his own name or in that of another, or jointly or in shares with others, any property put up to auction under section 39 or section 40, or,

(*b*) in contravention of any direction of the railway administration in this behalf, engage in trade.

Procedure for summary delivery to railway administration of property detained by railway servant.

(4) Notwithstanding anything in section 21 of the Indian Penal Code, a railway servant shall not be deemed to be a public servant for any of the purposes of that Code except those mentioned in sub-section (1).

120. If a railway servant is discharged or suspended from his office, or dies, absconds or absents himself, and he or his wife or widow, or any of his family or representatives, refuses or neglects, after notice in writing for that purpose, to deliver up to the railway administration, or to a person appointed by the railway administration in this behalf, any station, dwelling-house, office or other building with its appurtenances, or any books, papers or other matters, belonging to the railway administration and in the possession or custody of such railway servant at the occurrence of any such event as aforesaid, any Magistrate of the First Class may, on application made by or on behalf of the railway administration, order any police officer, with proper assistance, to enter upon the building and remove any person found therein and take possession thereof, or to take possession of the books, papers or other matters, and to deliver the same to the railway administration or a person appointed by the railway administration in that behalf.

Mode of signifying communications from the Government of His Highness the Maharaja.

120. Any notice, determination, direction, requisition, appointment, expression of opinion, approval or sanction to be given or signified on the part of the Government of His Highness the Maharaja, for any of the purposes of, or in relation to, this Act or any of

the powers or provisions therein conrained, shall be sufficient and binding if in writing signed by a Secretary, Deputy Secretary, Under-Secretary or Assistant Secretary to the Government of His Highness the Maharaja, or by any other officer or servant authorized to act on behalf of the Government of His Highness the Maharaja in respect of the matters to which the same may relate, and the Government of His Highness the Maharaja shall not in any case be bound in respect of any of the matters aforesaid unless by some writing signed in manner aforesaid.

Service of notices on railway administrations.

122. Any notice or other document required or authorized by this Act to be served on a railway administration may be served, in the case of a railway administered by the Government of His Highness the Maharaja, on the Manager and, in the case of a railway administered by a railway company, on the Agent in India of the railway company—

(*a*) by delivering the notice or other document to the Manager or Agent, or

(*b*) by leaving it at his office, or

(*c*) by forwarding it by post in a prepaid letter addressed to the Manager or Agent at his office and registered under Part III of the Indian Post Office Act, 1866.*

Service of notices by railway administrations.

123. Any notice or other document required or authorized by this Act to be served on any person by a railway administration may be served—

(*a*) by delivering it to the person, or

(*b*) by leaving it at the usual or last known place of abode of the person, or

(*c*) by forwarding it by post in a prepaid letter addressed to the person at his usual or last known place of abode and registered under Part III of the Indian Post Office Act, 1866.*

Presumption where notice is served by post.

124. Where a notice or other document is served by post, it shall be deemed to have been served at the time when the letter containing it would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice or other document was properly addressed and registered.

* See now the Indian Post Office Act, VI of 1898.

Provisions with respect to rules.

125. (1) A rule under section 22 or section 67, or the cancellation, rescission or variation of a rule under any of those sections or under section 31, sub-section (4), shall not take effect until it has been published in the official Gazette.

(2) Where any rule made under this Act, or the cancellation, rescission or variation of any such rule, is required by this Act to be published in the official Gazette, it shall, besides being so published, be further notified to persons affected thereby in such manner as the Government of His Highness the Maharaja, by general or special order, directs.

(3) The Government of His Highness the Maharaja may cancel or vary any rule made by it under this Act.

Representation of Managers and Agents of Railways in Courts.

126. (1) The manager of a railway administered by the Government of His Highness the Maharaja and the Agent in India of a railway administered by a railway company, may, by instrument in writing, authorise any railway servant or other person to act for or represent him in any proceeding before any Civil, Criminal or other Court.

(2) A person authorized by a Manager or Agent to conduct prosecutions on behalf of a railway administration shall, notwithstanding anything in section 495 of the Code of Criminal Procedure, 1882, as introduced into Mysore by Act I of 1886,* be entitled to conduct such prosecutions without the permission of the Magistrate.

Power to extend Act to steam-tramways.

127. The Government of His Highness the Maharaja may, by notification in the official Gazette, extend this Act or any portion thereof to any tramway worked by steam or other mechanical power.

Power to exempt railways from Act.

128. The Government of His Highness the Maharaja may, by a like notification, exempt any railway from any of the provisions of this Act.

Matters supplemental to the definitions of "railway" and "railway servant."

129. (1) For the purposes of section 3, clauses (5), (6), (7) and sections 4 to 19 (both inclusive), 31 to 36 (both inclusive), 43, 63, 66 to 74 (both inclusive), 78, 79, 80, 82, 83, 85, 86, 89, 93, 104, 106 to 114 (both inclusive), 116 to 120 (both inclusive), 122, 123, 126 and 128, the

*See now Act II of 1904.

word "railway" whether it occurs alone or as a prefix to another word, has reference to a railway or portion of a railway under construction and to a railway or portion of a railway not used for the public carriage of passengers, animals or goods as well as to a railway falling within the definition of that word in section 3, clause (4).

(2) For the purposes of sections 5, 21, 66, 82, 83, 85, 86, 103, 104, 107 and 119, sub-sections (1), (2) and (4), and section 120, the expression "railway servant" includes a person employed upon a railway in connection with the service thereof by a person fulfilling a contract with the railway administration.

Amendment of the Indian Penal Code.

130. In sections 194 and 195 of the Indian Penal Code, after the words "by this Code" insert the words "or any other law for the time being in force in the territories of Mysore."

SCHEDULE.

ARTICLES TO BE DECLARED AND INSURED.

(*See Section* 59.)

(*a*) Gold and silver, coined or uncoined, manufactured or unmanufactured;
(*b*) plated articles;
(*c*) cloths and tissue and lace of which gold or silver forms part, not being the uniform or part of the uniform of an officer, soldier, sailor, police—officer or person enrolled as a volunteer under the Indian Volunteers Act, 1869, or of any public officer, British* or foreign, entitled to wear uniform;
(*d*) pearls, precious stones, jewellery and trinkets;
(*e*) watches, clocks, and timepieces of any description;
(*f*) Government securities;
(*g*) Government stamps;
(*h*) bills of exchange, hundis, promissory-notes, bank-notes and orders or other securities for payment of money;
(*i*) maps, writings and title-deeds;
(*j*) paintings, engravings, lithographs, photographs, carvings, sculpture and other works of art;
(*k*) art pottery and all articles made of glass, china or marble;

*Sic; should be "Mysore."

Schedule.

(*l*) silks in a manufactured or unmanufactured state and whether wrought up or not wrought up with other materials;
(*m*) shawls;
(*n*) lace and furs;
(*o*) opium;
(*p*) ivory, ebony, coral and sandalwood;
(*q*) musk, sandalwood-oil and other essential oils used in the preparation of *itr* or other perfume;
(*r*) musical and scientific instrument;
(*s*) any article of special value which the Government of His Highness the Maharaja may, by notification in the official Gazette, add to this schedule.